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Author and Title

Colorado. Laws, statutes, etc.
Laws.

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1883







W. G. Lewis

W. G. Lewis

PROPERTY
LAW OF THE
STATE OF
COLORADO
PASSED AT THE
FOURTH SESSION
OF THE

GENERAL ASSEMBLY

OF THE
STATE OF COLORADO,

CONVENED AT DENVER

W. G. Lewis

ON THE

13th 1913

THIRD DAY OF JANUARY, A. D. 1883.

PUBLISHED BY AUTHORITY.

DENVER:
THE TIMES—PUBLIC PRINTER.
1883.

Entered according to Act of Congress, in the year 1883, by
MELVIN EDWARDS,
Secretary of State, for the use of the State of Colorado, in the office of the
Librarian of Congress, at Washington, D. C.

H. G. Lewis

CERTIFICATE.

STATE OF COLORADO, }
Office of Secretary of State. } SS.

I, MELVIN EDWARDS, Secretary of State of the State of Colorado, do hereby certify that by virtue of the authority vested in me by an act of the First General Assembly of the State of Colorado, entitled, "An act to provide for the public printing, and publishing, and distribution of the laws of this State," approved February 20th, 1877, I have prepared for publication, and caused to be printed, a copy of all the laws passed by the Fourth General Assembly of the State of Colorado.

I do further certify, that I have carefully compared the said printed laws with the original manuscripts thereof, now on file in my office, and that the following are full, true and correct copies thereof.

[SEAL]

In Testimony Whereof, I have hereunto set my hand and affixed the great seal of the State of Colorado, done at the city of Denver, this eleventh day of April, A. D., 1883.

MELVIN EDWARDS,

Secretary of State.

STATE OFFICERS

—AND—

MEMBERS AND OFFICERS

--OF THE--

FOURTH GENERAL ASSEMBLY.

EXECUTIVE DEPARTMENT.

NAME.	POSITION.	POST OFFICE.
James B. Grant . . .	Governor	Denver.
N. P. Babcock	Private Secretary . .	Denver.
William H. Meyers . .	Lieutenant Governor .	Denver.
Melvin Edwards . . .	Secretary of State . .	Denver.
Edward R. Hanley . .	Dep. Sec'y of State . .	Denver.
Fred. Walsen	Treasurer of State . .	Denver.
Horace E. Wheeler . .	Deputy Treasurer . .	Denver.
J. C. Abbott	Auditor of State . . .	Denver.
W. D. Pierce	Dep'y Auditor of State .	Denver.
D. C. Urmey	Attorney-General . . .	Denver.
Joseph C. Shattuck . .	Supt. Pub. Instruction .	Denver.
James M. Galloway . .	Sec. Land Board . . .	Denver.

JUDICIAL DEPARTMENT.

SUPREME COURT.

NAME	POSITION.	POST OFFICE.
Wm. E. Beck . . .	Chief Justice . . .	Denver.
Wilbur F. Stone . . .	Judge . . .	Denver.
Joseph C. Helm . . .	Judge . . .	Denver.
James A. Miller . . .	Clerk of Court . . .	Denver.

DISTRICT COURT JUDGES.

NAME	POSITION.	POST OFFICE.
Chester C. Carpenter .	First District . . .	Golden.
Victor A. Elliott . . .	Second District . .	Denver.
Cadwell Yeaman . . .	Third District . .	Trinidad.
Wm. Harrison . . .	Fourth District . .	Colo. Spg's.
Luther M. Goddard . .	Fifth District . . .	Leadville.
C. D. Hayt	Sixth District . . .	Alamosa.
M. B. Gerry	Seventh District .	Gunnison.

OFFICERS APPOINTED.

NAME.	POSITION.	POST OFFICE.
Ernest LeNeve Foster .	State Geologist . .	Georgetown.
E. S. Nettleton	State Engineer . .	Denver.
Wilson E. Sisty	State Fish Com'r .	Brookvale.

OFFICERS.

7

MILITIA OFFICERS.

JAMES B. GRANT, COMMANDER-IN-CHIEF.

GOVERNOR'S STAFF.

NAME.	POSITION.	POST OFFICE.
S. A. Shepperd	Adjutant-General . .	Denver.
Thomas W. Burchinell .	Inspector-General . .	Leadville.
Charles A. Raymond .	Military Secretary .	Denver.

AIDS DE CAMP WITH THE RANK OF COLONEL.

William Móore,	- -	Arapahoe County.
Andrew G. Hughes,	- -	Arapahoe County.
John Arkins,	- -	Arapahoe County.
George W. Cook,	- -	Lake County.
J. H. Monheimer,	- -	Lake County.
Aldridge Corder,	- -	Pueblo County.
J. D. McCarthy,	- -	Pitkin County.
Willet Rose,	- - -	Gunnison County.
David F. Day,	- -	Ouray County.
F. F. Osbiston,	- -	Clear Creek County.
A. P. Rittenhouse,	- -	Boulder County.

OFFICERS OF STATE INSTITUTIONS.

BOARD OF REGENTS OF THE STATE UNIVERSITY.

NAME.	POST OFFICE.	COUNTY.
George Tritch	Denver	Arapahoe.
Junius Berkley	Boulder	Boulder.
Horace M. Hale	Central	Gilpin.
James Rice	Pueblo	Pueblo.
Leonidas S. Cornell	Denver	Arapahoe
Max Herman	Boulder	Boulder.

COMMISSIONERS STATE BOARD OF AGRICULTURE.

NAME.	POST OFFICE.	COUNTY.
B. S. La Grange	Greeley	Weld.
P. M. Hinman	Ni Wot	Boulder.
W. F. Watrous	Fort Collins	Larimer.
John J. Ryan	Loveland	Larimer.
Ozro Brockett	Frankstown	Douglas.
Henry Foote	Del Norte	Rio Grande.
David Boyd	Greeley	Weld.
R. A Southworth	Denver	Arapahoe.
James B. Grant, Governor,	} <i>ex officio</i> Members of Board.	
C. L. Ingersoll,		

OFFICERS.

C. L. Ingersoll	President of College.
B. S. LaGrange	President of Board.
P. M. Hinman	Secretary of Board.
John J. Ryan	Treasurer of Board.

OFFICERS.

9

COMMISSIONERS OF THE STATE SCHOOL OF MINES.

NAME.	POST OFFICE.	COUNTY.
James T. Smith	Denver	Arapahoe.
Frederick Steinhauer .	Denver	Arapahoe.
R. H. VanDiest	Denver	Boulder.
Francis E. Everett . .	Golden	Jefferson.
E. L. Berthoud	Golden	Jefferson.

OFFICERS.

Frederick Steinhauer	President.
James T. Smith	Secretary.
Francis E. Everett	Treasurer.

**COMMISSIONERS OF THE MUTE AND BLIND
INSTITUTE.**

NAME.	POST OFFICE.	COUNTY.
R. G. Buckingham . .	Denver	Arapahoe.
C. H. White	Colorado Springs .	El Paso.
James Correy	Colorado Springs .	El Paso.

COMMISSIONERS OF PENITENTIARY.

NAME.	POST OFFICE.	COUNTY.
W. S. McCutcheon . .	Evans	Weld.
D. H. Nichols	Boulder	Boulder.
Alva Adams	Pueblo	Pueblo.

OFFICERS.**WARDEN.**

C. P. Hoyt Canon City Fremont.

COMMISSIONERS OF INSANE ASYLUM.

NAME.	POST OFFICE.	COUNTY.
Theodore F. Brown . .	Denver	Arapahoe.
O. H. P. Baxter . . .	Pueblo	Pueblo.
Jose Boniface Romero .	Conejos	Conejos.

**BOARD OF CONTROL OF THE STATE
INDUSTRIAL SCHOOL.**

NAME.	POST OFFICE.	COUNTY.
Silas W. Fisher	Golden	Jefferson.
J. Frank Gardner . . .	Frankstown	Douglas.
A. L. Emeigh	Fort Collins	Larimer.

MEMBERS STATE BOARD OF HEALTH.

NAME.	POST OFFICE.
W. Edmondson	Denver.
Charles Ambrook	Boulder.
H. A. Lemen	Denver.
H. K. Steele	Denver.
H. K. Palmer	Trinidad.
T. G. Horn	Colo. Springs.
F. J. Bancroft	Denver.
D. H. Dougan	Leadville.
B. P. Anderson	Colo. Springs.

OFFICERS.

26 5.11
S. J. [signature]

OFFICERS.

H. K. Steele, *President* Denver.
W. Edmondson, *Secretary* Denver.
H. A. Lemen, *Treasurer* Denver.

INSURANCE DEPARTMENT.

John C Abbott Commissioner.
B. S. Tedmon Dep. Commissioner.

CAPITOL BUILDING COMMISSION.

NAME.	POST OFFICE.
Gov. James B. Grant, Chairman.	Denver.
Geo. W. Kassler,	Denver.
Jno. L. Routt,	Denver.
Dennis Sullivan,	Denver.
Alfred Butters,	Denver.
E. S. Nettleton,	Denver.
Geo. T. Clark, Secretary.	Denver.

GENERAL ASSEMBLY.

SENATORS.

NAME.	COUNTIES.
Barela, Casimiro	Las Animas.
Bostwick, J	Gilpin.
Corder, A	Pueblo.
Cochran, Frank	Elbert.
DeFrance, A. H	Jefferson.
Elder, Clarence P	Arapahoe.
Eddy, Henry H	Summit.
Freeman, J. M	Weld.
Gale, J. A	Conejos.
Galloway, James M	San Juan.
Howard, M. W	Arapahoe.
Howbert, Irving	El Paso.
Hall, C. L	Lake.
Kearney, H. S	Clear Creek.
Moynahan, James	{ Park. Fremont.
Parsons, C. C	Lake.
Rising, A. J	Custer.
Stanger, J. S	Arapahoe.
Streeter, Rienzi	Boulder.
Stevenson, A. M	Gunnison.
Stead, J. H	Chaffee.

OFFICERS.

13

Salazar, A	-	-	-	-	-	{ Huerfano. Costilla.
Tilford, Frank	-	-	-	-	-	Arapahoe.
Tedmon, H. E	-	-	-	-	-	Larimer.
Weston, A. S	-	-	-	-	-	Lake.
Wells, L. W.	-	-	-	-	-	Douglass.

REPRESENTATIVES.

NAMES.						COUNTIES.
Archuleta, A. D	-	-	-	-	-	Conejos.
Abeyta, V	-	-	-	-	-	Las Animas.
Anguin, John	-	-	-	-	-	Gilpin.
Bowen, Thomas M	-	-	-	-	-	Rio Grande.
Breen, Peter	-	-	-	-	-	Lake.
Blonger, Simon	-	-	-	-	-	Lake.
Baldwin, B. F	-	-	-	-	-	Custer.
Ballard, S. H	-	-	-	-	-	Arapahoe.
Benson, A. S	-	-	-	-	-	Larimer.
Bergh, A	-	-	-	-	-	Park.
Butcher, B. H	-	-	-	-	-	Summit.
Curtice, L. A	-	-	-	-	-	Arapahoe.
Clark, Geo. T	-	-	-	-	-	Arapahoe.
Clark, C. A	-	-	-	-	-	Boulder.
Costello, M. J	-	-	-	-	-	Lake.
Chapman, M. R	-	-	-	-	-	Elbert.
Craig, J. H	-	-	-	-	-	Douglass.
Dripps, J. W	-	-	-	-	-	Gilpin.
Davis, E. W	-	-	-	-	-	Lake.
Darling, Richard	-	-	-	-	-	Costilla.
Ford, Charles D	-	-	-	-	-	El Paso.
Green, O. F. A	-	-	-	-	-	Boulder.
Holly, H. S	-	-	-	-	-	Bent.

Haskell, E. J	-	-	-	-	-	Custer.
Hoffman, S. D	-	-	-	-	-	Hinsdale.
Jones, W. H	-	-	-	-	-	Chaffee.
Kirk, James	-	-	-	-	-	Arapahoe.
King, S. A	-	-	-	-	-	Clear Creek.
Kerr, J. H	-	-	-	-	-	El Paso.
Lee, Henry	-	-	-	-	-	Jefferson.
Letcher, Jerrold	-	-	-	-	-	Ouray.
LeFevre, John	-	-	-	-	-	{ Routt. Grand.
McIntyre, J. E	-	-	-	-	-	Gunnison.
Mears, Otto	-	-	-	-	-	Saguachè.
McClosky, L. J	-	-	-	-	-	La Plata.
Osbiston, Frank F	-	-	-	-	-	Clear Creek.
Orman, J. B	-	-	-	-	-	Pueblo.
Pierce, Arthur E	-	-	-	-	-	Arapahoe.
Pisko, Edward	-	-	-	-	-	Arapahoe.
Perrin, W. W	-	-	-	-	-	Jefferson.
Rockafellow, B. F	-	-	-	-	-	Fremont.
Rivera, T	-	-	-	-	-	Huerfano.
Royal, D. A	-	-	-	-	-	Pueblo.
Sopris, E. B	-	-	-	-	-	Las Animas.
Sample, Geo. C	-	-	-	-	-	Arapahoe.
Shackelford, J. O	-	-	-	-	-	Arapahoe.
Tripp, Thomas M	-	-	-	-	-	San Juan.
Van Valkenbergh, R. J	-	-	-	-	-	Weld.
Walker, W. H. H	-	-	-	-	-	Boulder.



SESSION LAWS

1883.

AN ACT

TO PROVIDE A FUND FOR THE MAINTENANCE AND SUPPORT OF THE AGRICULTURAL COLLEGE OF COLORADO, THE COLLEGE FARM, AND FOR THE ERECTION OF SUCH BUILDINGS AS BY THE STATE BOARD OF AGRICULTURE SHALL BE DEEMED ADVISABLE.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That to provide a fund for the support and maintenance of the State Agricultural College located at Fort Collins, there shall be assessed and levied annually upon all taxable property in this State the following tax to wit: one fifth of one mill on each dollar of the yearly assessed value of such property, which shall be known as the "Agricultural College" tax, and shall be levied and collected at the same time and in the same manner provided by law for the assessment and collection of State taxes.

Tax of one-fifth of one mill on assessed value to be levied.

Approved February 11, 1883.

AN ACT

TO APPROPRIATE TEN THOUSAND DOLLARS FOR THE BUILDING AND FURNISHING A

MECHANIC SHOP, AND CONSERVATORY AT THE STATE AGRICULTURAL COLLEGE.

Be it enacted by the General Assembly of the State of Colorado:

Erecting buildings. SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of erecting and furnishing suitable buildings for the mechanical department of the State Agricultural College, and the erection of a Conservatory in connection therewith.

SEC. 2. The funds appropriated by section one of this Act shall be used exclusively for the purpose therein stated.

Plans. SEC. 3. It shall be the duty of the State Board of Agriculture on the passage of this Act to immediately decide upon plans and specifications for the above named buildings, and as soon as practicable to proceed to erect the same.

Auditor to draw warrants. SEC. 4. The Auditor of State is hereby authorized to draw warrants on the fund created by section one of this Act on presentation of certificates of indebtedness issued by the State Board of Agriculture signed by the President of the board, and countersigned by the Secretary.

Emergency. SEC. 5. It is the opinion of this General Assembly that an emergency exists, therefore this Act shall be in force, on and after its passage.

Approved February 10, 1883.

AN ACT

TO SECURE THE COLLECTION AND PUBLICATION OF AGRICULTURAL AND OTHER STATISTICS.

Be it enacted by the General Assembly of the State of Colorado:

Secretary of state to furnish blanks to county clerks. SECTION 1. It shall be the duty of the Secretary of State, on or before the first day of April of each year, to prepare and cause to be furnished to the County Clerk of

the several counties, for delivery to the County Assessors, suitable blank forms for the collection of statistics as hereinafter provided by this act.

SEC. 2. The several County Assessors and Deputy Assessors of this State shall, at the time of taking the lists of property for taxation, procure from each person required to list property in his or their county, a verified statement of the number of acres he may have had under irrigation during the preceding year, and the number of acres enclosed for pasture during the same time; the number of acres planted in wheat, oats, barley, rye, corn, buckwheat and potatoes respectively, and the number of bushels of each produced during the preceding year; the number of acres in timothy, clover, alfalfa, and native grass respectively, and the number of tons of hay of each kind respectively produced during the preceding year; the number of acres planted in sorghum cane, the number of gallons of syrup manufactured and the number of pounds of sugar obtained during the preceding year; the number of acres planted in grape vines, the number of pounds of grapes produced and the number of gallons of wine manufactured during the preceding year; the number of acres occupied by orchards and the number of bushels each of apples, peaches, and pears respectively produced during the preceding year; the number of acres of small fruits and the number of quarts of each kind of such fruit produced during the preceding year; the number of acres planted in grove and in forest trees during the preceding year; the number of butter and of cheese factories in operation during the preceding year, and the number of pounds each of butter and of cheese manufactured during said time; the number of oleomargarine or artificial butter factories in operation during the preceding year, and the number of pounds of oleomargarine or artificial butter produced during said time; the number of glucose factories in operation during the preceding year, and the number of pounds of glucose produced during said time; the number of hives of bees and the number of pounds of honey taken therefrom during the preceding year; the number of pounds of wool shorn during the preceding year; the number each of dairy cows, horses, mules, asses, cattle, sheep, goats and swine owned or kept during the preceding year.

County assessors to procure verified statement. What shall contain.

Statement to be signed and sworn to by the person making it.

SEC. 3. The statement required by section two of this act shall be signed and sworn to by the person making it, and the oath may be administered by the Assessor or Deputy Assessor, who is hereby authorized to administer the same, and shall be duly certified. The oath may be printed upon the blank forms, and shall be in substance as follows: "I, _____, do solemnly swear (or affirm) that the above schedule contains a full and correct statement concerning all the matters and things therein required of me, to the best of my knowledge and belief."

Form of oath.

Assessors to compile and return tabulated statement to Co. clerk.

SEC. 4. Each County Assessor shall carefully compile, foot up and return to the County Clerk of his County, at the time when he returns the assessment rolls, a tabulated statement of the statistics mentioned in section two of this act, and each County Clerk shall, without delay, forward such tabulated statements to the Secretary of the State Board of Agriculture, who shall compile the statements so received, and, without delay, transfer such compilation to the Secretary of State. And the Secretary of State shall cause to be printed on or before the first day of December in each year, of such compiled statistics, two thousand (2,000) copies in English and five hundred (500) copies in Spanish, for distribution by the State Board of Agriculture.

Secretary of state board of agriculture to compile all statements.

Distribution copies

Penalty for refusing to give information.

SEC. 5. Any person who is required by this act to give information, and who, upon proper request being made, fails, neglects or refuses so to do, shall be subject to a penalty of not less than twenty (20) dollars nor more than two hundred (200) dollars to be recovered by suit in any court of competent jurisdiction, upon complaint of any person before such court, and it shall be the duty of the District or County Attorney of the proper county to prosecute such suit at the expense of the county for the use of the school fund of such county.

SEC. 6. Whereas, in the opinion of this General Assembly, an emergency exists, therefore, this act shall take effect from and after its approval.

Approved February 11, 1883.

AN ACT

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AMENDMENTS TO SECTIONS SIX, (6) NINETEEN, (19) AND TWENTY-TWO, (22) OF ARTICLE FIVE (5) OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING LEGISLATIVE DEPARTMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That there shall be submitted to the qualified electors of the State of Colorado at the next general election for members of the General Assembly, for their approval or rejection, the following amendments to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as part of the constitution, to-wit: Section six (6) of article five (5) of the Constitution of the State of Colorado, shall be amended so as to read as follows, to-wit:

Section 6. Each member of the General Assembly, until otherwise provided by law, shall receive as compensation for his services, seven dollars (\$7.00) for each day's attendance, and fifteen (15) cents for each mile necessarily traveled in going to and returning from the seat of government, and shall receive no other compensation, perquisite or allowance whatsoever. No session of the General Assembly shall exceed ninety days. No General Assembly shall fix its own compensation. Section nineteen (19) of said article five (5) of the Constitution of the State of Colorado shall be amended so as to read as follows, to-wit: Section 19. No act of the General Assembly shall take effect until ninety days after its passage (except in case of emergency, which shall be expressed in the act) [unless] the General Assembly shall, by a vote of two-thirds of all the members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government, only [which shall be] introduced in either house of the General Assembly after the first thirty days of the session, shall become a law.

Compensation of members of the general assembly.

Session not to exceed ninety days.

No bill to be introduced after thirty days, except, etc.

SEC. 2. Section twenty-two (22) of said article five (5) of the Constitution of the State of Colorado, shall be amended so as to read as follows, to wit: Section 22. Every bill shall be read by title when introduced, and at length on two different days in each house, all substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill. And no bill shall become a law except by a vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by ayes and noes, and the names of those voting be entered on the journal.

Majority of all the members to pass a bill.

How ballots to be cast.

SEC. 3. Each elector voting at said election, and desirous of voting for or against all of the amendments as a whole, shall deposit in the ballot box a ticket whereon shall be written or printed the words, "For the amendments" or the words "Against the amendments." Any such elector not desirous of voting as aforesaid, may express his approval or rejection of any one or more of said amendments as in the other case; *Provided*, that he shall designate any amendment so approved or rejected by him by number in the order in which it occurs in this act.

Canvass of the vote.

SEC. 4. The votes cast for the adoption or rejection of said amendments, or of either of them, shall be canvassed and the result determined in the manner provided by the laws of the State for the canvass of votes for representatives in Congress.

Approved February 11, 1883.

AN ACT

MAKING AN APPROPRIATION TO PAY THE
UNPAID EXPENSES OF THE CONSTITUTIONAL
CONVENTION OF THE LATE TERRITORY OF
COLORADO WHICH CONVENED

IN THE CITY OF DENVER, COLORADO, ON
THE 20TH DAY OF DECEMBER, A. D. 1875.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Seven thousand dollars is hereby appropriated, or so much thereof as is needed, to pay the unpaid *per diem* of officers, members and employes of the Constitutional Convention of the late Territory of Colorado, which convened in the City of Denver, Colorado, on the 20th day of December, 1875.

SEC. 2. It is ordered that these expenses be paid out of the above appropriation, and on the presentation of the certificate of service of any officer, member or employe of said convention to the Auditor of State, signed by the president and secretary of said convention showing the amount due and unpaid to said officer, member or employe, at the time of the adjournment of said convention, the Auditor shall draw his warrant on the State Treasurer, in favor of the holder of said certificate for the amount so shown to be due and unpaid.

SEC. 3. It is the opinion of the General Assembly that an emergency exists, therefore this act shall take effect from and after its passage.

Approved February 14, 1883.

AN ACT

TO PROVIDE A FUND FOR THE CARE AND
IMPROVEMENT OF THE STATE LIBRARY,
AND MAINTENANCE OF STATE HISTORICAL
AND NATURAL HISTORY SOCIETY.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That for the purpose of preparing rooms for and shelving, and arranging the books of the State

Library, and cataloguing the same, there is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of four hundred dollars.

SEC. 2. That for the purpose of adding to the State Library books of permanent value for reference and consultation, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the year A. D. 1883, the sum of three hundred dollars and the unexpended balance, if any, of the amount appropriated in section one of this act,—and for the year 1884 three hundred dollars.

SEC. 3. Said funds shall be used exclusively for the purposes aforesaid, and the Auditor is hereby authorized to draw his warrants for the payment of the same, upon vouchers certified by the State Librarian.

SEC. 4. There is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of twelve hundred and fifty dollars, to be paid to the State Historical and Natural History Society, to aid said society in furthering the ends of its organization. Two hundred and fifty dollars, part of said appropriation, may be expended for salary of a secretary.

SEC. 5. Whereas, in the opinion of this General Assembly an emergency exists, therefore this act shall be in force from and after its passage.

Approved February 19, 1883.

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE
SALARY OF THE INSPECTOR OF COAL
MINES, COMPENSATION OF THE BOARD OF
EXAMINERS AND INCIDENTAL EXPENSES.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated,

for salary of Inspector of Coal Mines, for two years from the date of his commission, the sum of four thousand dollars; for compensation of the board of examiners, together with all necessary incidental expenses of said inspector and examiners for and during said period the sum of three thousand one hundred and fifty dollars, or so much thereof as may be necessary.

Approved February 24, 1883..

AN ACT

MAKING AN APPROPRIATION FOR THE MAINTENANCE AND SUPPORT OF THE STATE PENITENTIARY, AT CANON CITY, FOR THE YEARS 1883 AND 1884.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That for the purpose of paying all expenses required for the maintenance and support of the State Penitentiary, at Canon City, including the salaries of officers and employes, during the years 1883 and 1884, there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of one hundred and twenty thousand dollars, and also all moneys received for convict labor during the years 1883 and 1884, which is hereby made a part of and shall be to the credit of this fund.

SEC. 2. That for the purpose of completing what is known as the West-cell building, now under construction, as per report of the Commissioners of the Penitentiary, the sum of twenty thousand dollars is hereby appropriated, or so much thereof as may be necessary for the completion of the same. The sum of twenty-five hundred dollars is hereby appropriated to pay the Colorado Coal and Iron Company for lands purchased in the

Completing "west-cell building."

spring of 1881, by the Board of Penitentiary Commissioners. The sum of three thousand dollars is hereby appropriated to pay for the purchase of nine and one-fourth acres of land, for the use of the Penitentiary, as recommended by the Board of Penitentiary Commissioners. The sum of one thousand dollars, or so much thereof as is necessary, is hereby appropriated for the erection of gates, etc., in the prison walls, as recommended by the Board of Penitentiary Commissioners.

Entire appropriations.

SEC. 3. That the several amounts, so appropriated in this act, shall constitute the entire appropriation for improvements of the Penitentiary for the years 1883 and 1884.

Emergency.

SEC. 4. Inasmuch as it will become necessary to draw upon this fund before the expiration of ninety days, therefore, it is the sense of this General Assembly that an emergency exists, and this act shall be in force on and after its passage.

Approved February 13, 1883.

AN ACT

TO PROVIDE FOR THE ORDINARY EXPENSES
OF THE EXECUTIVE, LEGISLATIVE AND
JUDICIAL DEPARTMENTS OF THE STATE
FOR THE YEARS 1883 AND 1884.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That for the purpose of defraying the ordinary expenses of the Executive, Legislative and Judicial departments of the State for the years 1883 and 1884, the following sums are hereby appropriated out of any funds in the State Treasury not otherwise appropriated. For the salaries of the officers of the Executive department, and the judges of the Supreme and District Courts, District Attorneys, private secretary of the Govern-

State officers.

or, Secretary of the State, Board of Land Commissioners, clerks of the Secretary of State, clerks of the Auditor and Treasurer, State Engineer, Reporter of Supreme Court and Bailiff of Supreme Court, Judges of Criminal Courts, the sum of (\$92,000) ninety-two thousand dollars for the year 1883, and (\$92,000) ninety-two thousand dollars for the year 1884. For *per diem* and mileage of members, officers, and employes of the Fourth General Assembly, the sum of (\$35,000) thirty-five thousand dollars. For the general contingent expenses of the Executive and Judicial departments, the sum of seven thousand five hundred dollars for the year 1883, and the sum of seven thousand five hundred dollars for the year 1884. For the general contingent expenses of the Fourth General Assembly, including rent of hall, committee rooms, stationery, supplies of all kinds, and for labor, the sum of fifteen thousand dollars. For the incidental expenses of the Executive, Legislative and Judicial departments, including pay of janitors, coal, water, gas, stationery, furniture, and other incidental expenses of said departments, the sum of twenty thousand dollars. For rent of the Executive and Judicial departments, the sum of six thousand five hundred dollars for the year 1883, and six thousand five hundred dollars for the year 1884. For incidental printing required by law, the sum of ten thousand dollars. For printing required by the General Assembly, including the laws and journals of the Fourth General Assembly, the sum of twenty thousand dollars. For copying, translating and indexing the laws, journals, messages and reports, the sum of six thousand dollars.

Legislature.

Contingent in executive and judicial departments.

Contingent in Legislative department.

Incidentals.

Rent and incidental printing.

Printing for legislature, etc.

Copying, indexing etc.

Unexpended balance transferred.

Balances for 1883 added to fund for 1884.

Emergency.

SEC. 2. All unexpended balances now remaining in any of the funds herein mentioned, are hereby transferred to appropriations for 1883.

SEC. 3. Any balance remaining to the credit of any fund herein mentioned, at the end of the year 1883 shall be added to the appropriations herein made to that fund for the year 1884.

SEC. 4. Inasmuch as there is no money to the credit of any of the funds herein mentioned, it is the sense of this General Assembly that an emergency ex-

ists; therefore, this act shall be in force on and after its passage. Total appropriation to meet expenses of Government for two years, \$318,000.

Approved February, 17, 1883.

AN ACT

TO MAKE AN APPROPRIATION TO PURCHASE BOOKS FOR THE SUPREME COURT LIBRARY.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That the sum of five thousand dollars be, and the same is hereby appropriated, out of any funds, not otherwise appropriated, in the State Treasury for the purpose of purchasing additional reports and other law books for the Supreme Court Library.

To be expended as
the judges direct.

SEC. 2. That said sum shall be expended for such books and in such manner as the judges of said court shall in their discretion from time to time determine.

Auditor to draw
warrants.

SEC. 3. That the Auditor of State is hereby authorized to draw warrants upon such fund in the hands of the treasurer, from time to time upon certificates of the sums required under the signature of the Chief Justice or those of a majority of the Judges of said court.

Approved February 23, 1883.

AN ACT

TO PROVIDE A FUND FOR FURNISHING THE BUILDINGS AT THE MUTE AND BLIND INSTITUTE, AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That for the purpose of completing the buildings at the Mute and Blind Institute, furnishing the

same, and for the purpose of further improving the grounds and supplying the building with gas, the sum of six thousand dollars (\$6,000) is hereby appropriated out of any fund in the State Treasury not otherwise appropriated.

SEC. 2. The Auditor of State, upon the order of the President of the Board of Trustees, countersigned by the Secretary thereof, shall draw his warrant in favor of the Treasurer of said Board for the sum above specified.

Approved February 11, 1883.

AN ACT

TO PROVIDE A FUND TO PAY FOR THE COMPLETION AND FURNISHING OF THE SCHOOL OF MINES BUILDING.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That the sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to enable the Board of Trustees of the School of Mines to pay for the completion and furnishing of the School of Mines building.

SEC. 2. The Auditor of State, upon the order of the President of the Board of Trustees, countersigned by the secretary thereof, shall draw his warrant in favor of the treasurer of said board for the sum above specified.

Approved February 10, 1883.

AN ACT

MAKING APPROPRIATIONS TO REIMBURSE THE SEVERAL COUNTIES OF THE STATE FOR MONEYS HERETOFORE EXPENDED BY THEM IN THE SUPPORT OF INSANE PAUPERS.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That there be, and hereby is appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of twenty-five thousand dollars, to reimburse the several counties of the State for any moneys heretofore expended by them in the support of insane paupers.

Approved February 13, 1883.

AN ACT

TO PROVIDE FOR PAYMENT OF THE EXPENSES OF MAKING A COMPILATION AND REVISION OF THE STATUTES OF THE STATE.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That the sum of three thousand dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated to pay for the compilation and revision of the Statutes of the State by the commissioner appointed for that purpose by the Governor under the provisions of act of the General Assembly providing therefor, approved March 14, 1881, and that the Auditor be and is hereby authorized and required, upon the taking effect of this act, to draw his warrant on the treasurer for said sum of three thousand

dollars in favor of H. P. H. Bromwell, said commissioner in full payment for services rendered by him in making said compilation and revision.

Approved February 14, 1883.

AN ACT

MAKING APPROPRIATIONS TO PAY OUTSTANDING CERTIFICATES OF INDEBTEDNESS, AND THE INTEREST THEREON.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, in addition to the unexpended balance remaining on hand in this fund, which balance is hereby transferred to this fund, the sum of one hundred and seventy thousand (170,000) dollars, to pay outstanding State certificates of indebtedness heretofore issued in pursuance of law, and to pay the interest on the same.

SEC. 2. Inasmuch as it will become necessary to draw upon this fund before the expiration of ninety days, therefore it is the sense of this General Assembly that an emergency exists, and that this act shall be in force on and after its passage.

Approved February 13, 1883.

AN ACT

MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE BOARD OF LAND COMMISSIONERS IN THE SELECTION, LOCATION, AP-

PRAISAL, LEASE, SALE AND MANAGEMENT
OF THE STATE LANDS FOR THE YEARS 1883
AND 1884.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the expenses of the State Board of Land Commissioners in the selection, location, appraisal, lease, sale and management of the State lands for the years 1883 and 1884.

SEC. 2. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, the sum of six hundred dollars in addition to the unexpended balance remaining on hand in this fund, which balance is hereby transferred to this fund, to pay the United States registers' and receivers' fees in locating lands donated to the State by the United States, for the years 1883 and 1884.

SEC. 3. Whereas, in the opinion of this General Assembly, an emergency exists; therefore, this act shall be in force from and after its passage.

Approved February 15, 1883.

AN ACT

TO PROVIDE A FUND FOR THE COMPLETION
AND FURNISHING OF BUILDINGS NOW IN
COURSE OF CONSTRUCTION, AND FOR THE
ERECTION AND FURNISHING OF ADDITION-
AL BUILDINGS FOR THE STATE INSANE
ASYLUM AT PUEBLO, AND FOR OTHER IM-
PROVEMENTS CONNECTED THEREWITH.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That for the purpose of completing and furnishing the buildings now in course of construction,

and for the purpose of erecting and furnishing additional buildings for the State Insane Asylum at Pueblo, and for supplying the same with water, gas and sewerage, there is hereby appropriated out of any moneys in the treasury not otherwise appropriated the sum of eighty thousand (80,000) dollars.

SEC. 2. The expenditure of the fund herein appropriated shall be under the direction and control of the superintendent and commissioners of said Asylum; *Provided*, the cost of the additional wing or building shall not exceed thirty thousand dollars.

Expenditures under direction of superintendent and commissioners.

SEC. 3. Before the construction of the wing or additional building shall be commenced, or any contract therefor be let, the superintendent of said Asylum, with the approval of the commissioners, shall procure suitable plans and specifications from a competent architect, in accordance with which such additional building shall be erected.

SEC. 4. There being great emergency for the use of said buildings and improvements, this act shall take effect and be in force from and after its passage.

Emergency.

Approved February 13, 1883.

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE SALARY AND EXPENSES OF THE STATE FISH COMMISSIONER.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. The sum of thirty-five hundred dollars is hereby appropriated for the purpose of paying the salary and necessary expenses of the State Fish Commissioner during the year commencing July 1st, 1883, and ending June 30th, 1884, in performing the duties required of him by law in relation to the propagation

and preservation of food fishes, which sum the State Treasurer shall from time to time pay to said Commissioner on the warrant of the Auditor as vouchers therefor shall be duly exhibited and approved by the Governor.

SEC. 2. The further sum of two thousand dollars is hereby appropriated for the above purpose for the year commencing July 1st, 1884, and ending June 30th, 1885, to be audited, paid and allowed in like manner.

Approved February 10, 1883.

AN ACT

RELATING TO THE STATE INDUSTRIAL SCHOOL
AND MAKING AN APPROPRIATION THERE-
FOR, AND REPEALING CERTAIN SECTIONS
OF AN ACT ENTITLED, "AN ACT TO ESTAB-
LISH A STATE INDUSTRIAL SCHOOL, AND
FOR THE MAINTENANCE AND GOVERN-
MENT OF THE SAME," APPROVED FEBRU-
ARY 12, 1881.

Be it enacted by the General Assembly of the State of Colorado:

\$60,000 appropri-
ated for the in-
dustrial school
and the manner
in which it shall
be expended.

SECTION 1. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of sixty thousand (60,000) dollars, to be expended for the following purposes and in the following manner; that is to say: twelve thousand five hundred dollars thereof to meet the deficiency in the appropriation for the two years ending April thirtieth (30th), 1883, and to pay F. E. Everett the amount advanced by him to defray the current expenses of said school; twenty-six thousand dollars thereof for the support and maintenance of said institution for the two years ending April thirtieth (30th), 1885; eight hundred dollars thereof to purchase a team, wagon and harness, and cows for the use of said institution; four thousand dollars thereof to purchase and sup-

ply the necessary machinery, implements and materials for the business, arts and trades to be established and carried on at said institution; two hundred dollars thereof to purchase a library for said school; and the remaining sixteen thousand five hundred dollars thereof to erect, complete and furnish additional buildings for said institution.

SEC. 2. The Board of Control of said Industrial School shall, as soon as practicable after the passage of this act, procure from some competent architect suitable plans and specifications for such additional buildings as may be necessary for said institution, and shall forthwith, after such plans and specifications are received and adopted by said Board, proceed to advertise for proposals for furnishing the materials and doing the work necessary to complete the said buildings according to the plans and specifications adopted therefor; and upon the reception of such proposals, the said Board may in their discretion make contracts with such bidders as make proposals best conducive to the interests of the State, taking into consideration the price, time of performance and the responsibility of the contractor, with such sureties as he may offer; and said contract or contracts, when executed, shall be deposited in the office of the Secretary of State. The cost of said buildings, including the plans and specifications, and the superintending of the erection thereof, shall in no event exceed the sum of fifteen thousand dollars.

Additional buildings.

Advertise for proposals.

Contract.

Cost of building not to exceed 15,000 dollars.

SEC. 3. The Superintendent of the Industrial School shall keep an accurate account of all moneys received from the sales of articles made or manufactured at said institution, and of the moneys expended for machinery and material and other things connected with the business or trades that may be deemed advisable by the Board of Control, to be carried on at said school, and shall have the charge and custody of the said business and moneys so received, and shall at the end of every quarter of each year, commencing on the first day of May, render to the Treasurer of the Board of Control of said school an itemized account of the moneys so received and paid out, and pay to the said Treasurer all moneys then in his hands belonging to said institution,

Superintendent shall keep account of moneys and turn over to the treasurer.

Money so received
to be used toward
the maintenance
of the institution.

Bond of Superin-
tendent.

and shall take the said Treasurer's receipt therefor; and said moneys shall by said Treasurer be used for the support and maintenance of the institution, and accounted for in his reports. The said Superintendent shall give bond with good and sufficient sureties, to be approved by the Board of Control, in such sum and amount as will cover double the amount of any and all moneys that may come into his hands during any such quarter of a year, to be determined by the said Board of Control, running to the people of the State of Colorado, conditioned that he will faithfully discharge and perform his duties as such Superintendent, and that he will pay over to the Treasurer of said Board all moneys which may come into his hands belonging to said institution, as provided by law; which said bond when approved, shall be filed with and kept and preserved by the Treasurer of said Board. The money hereby appropriated for the purpose of purchasing machinery, implements and material to start and conduct such business and trades as shall be deemed advisable, shall not be expended for any other purpose.

Salary of members
of board of con-
trol.

SEC. 4. The members of the Board of Control shall receive in addition to the their traveling and other actual expenses incurred by them in the discharge of their duties as such members, a yearly compensation of three hundred dollars each, to be paid quarter-yearly as other lawful expenses of said institution are paid, and they shall meet on the first Tuesday of each month to audit bills and transact all other necessary business.

No person to be
sentenced for
more than three
years and in no
case under ten
years old.

SEC. 5. No commitment or sentence of any person or persons to said Industrial School shall be made for a greater period than three years, or of an age under ten years.

Auditor to draw
warrant.

SEC. 6. The Auditor of State, upon the order of the President of the Board of Control, countersigned by the Secretary of said Board, shall draw his warrant upon the State Treasurer for the moneys hereby appropriated in favor of the Treasurer of said Board.

Repeal.

SEC. 7. Sections fifteen, sixteen and seventeen, of an act entitled, "An act to establish an Industrial

School, and for the maintenance and government of the same," approved February the twelfth, 1881, are hereby repealed.

SEC. 8. Inasmuch as the buildings contemplated ^{Emergency.} by this act are greatly needed at the present time, and inasmuch as the said institution is without any means to defray its ordinary expenses, an emergency exists, and this act shall take effect from and after its passage.

Approved February 10, 1883.

AN ACT

TO EXEMPT THE PERSONAL EARNINGS OF A DEBTOR FROM LEVY OF ATTACHMENT OR EXECUTION, AND TO AMEND A CERTAIN SECTION OF AN ACT ENTITLED "AN ACT TO AMEND AN ACT PROVIDING A SYSTEM OF PROCEDURE IN CIVIL COURTS OF JUSTICE OF THE STATE OF COLORADO," APPROVED FEBRUARY 24, 1879.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. The earnings of a debtor being the head of a family for personal services rendered at any time within thirty days next preceding the issuance of a writ of attachment or execution from any court in this State, shall be exempt from levy or seizure under such writ, whenever such earnings are necessary for the use of a family supported wholly or in part by his labor. ^{Exemption; head of family for 30 days' personal services.}

SEC. 2. Section eighteen of an act entitled "An Act to amend an Act providing a system of procedure in Civil courts of justice of the State of Colorado," approved February 24, 1879, is hereby amended so as to read as follows:

Section 18. Section two hundred and twenty-six of said Act is hereby repealed and the following shall stand ^{Amendment to section 226 of said act.}

in lieu thereof as section two hundred and twenty-six : The judge or referee may order any property of the judgment debtor not exempt from execution, in the hands of such debtor or any other person, or due to the judgment debtor, to be applied towards the satisfaction of the judgment; *Provided, however*, that nothing contained in this Act shall apply to any writ of attachment or execution issued in any civil action or proceeding where the claim or contract sued upon became due or was made before this act shall go into effect.

Approved February 13, 1883.

[The Bill for this Act was enrolled and approved by the Governor but the Journal of the Lower House shows that it was lost on final passage.—SECRETARY OF STATE.]

AN ACT

TO ACQUIRE TITLE BY PURCHASE OF A CERTAIN BLOCK OF LAND IN THE CITY OF DENVER, AND TO SELL CERTAIN REAL PROPERTY DONATED TO THE STATE OF COLORADO FOR CAPITOL BUILDING PURPOSES.

Be it enacted by the General Assembly of the State of Colorado :

Appropriation.

SECTION 1. That there be and is hereby appropriated the sum of one hundred thousand dollars, out of the State Treasury, not otherwise appropriated for the purpose of acquiring title by purchase, for the sole use and benefit of the State of Colorado, block six (6) in Cheeseman and Kassler's sub-division to the City of Denver, said block six containing forty lots, and lying immediately in front of and adjacent to the Capitol grounds, belonging to the State of Colorado, in said City of Denver.

**Board of managers
to purchase.**

SEC. 2. The Board of Managers of the Capitol building are hereby empowered and directed to purchase

the block of ground mentioned in section one (1) of this Act and receive conveyance to the State of Colorado, placing the title in fee simple to said ground in the State.

SEC. 3. The Board of Managers of the Capitol building are empowered and authorized to sell and dispose of all the real property in the city of Denver which has been heretofore donated to the State of Colorado for Capitol building purposes, and to apply the proceeds thereof to the payment of any sum of money ordered to be paid for the said block of ground herein authorized to be purchased as an addition to the Capitol building grounds. If said block of ground has been already paid for, at the time said real property in the City of Denver is sold or disposed of, then the proceeds of such sale shall be conveyed by the Board of Managers of the Capitol building into the State Treasury to the credit of the fund from which said payment has been made.

§-11 all real property belonging to the state.

How proceeds to be applied.

SEC. 4. The Attorney-General of the State of Colorado shall examine the title to the above described property, and if found valid and legal he shall certify the same to the Auditor of the State of Colorado, who shall thereupon draw his warrant upon the State Treasurer for the sum of one hundred thousand dollars, for the full purchase of said land, taking from the grantors a good and sufficient deed therefor, in the name of the State of Colorado.

Attorney general shall examine the title

Warrant for \$100,000 for full purchase.

Approved February 11, 1883.

AN ACT

TO PROVIDE FOR THE CREATION OF A BONDED INDEBTEDNESS ON BEHALF OF THE STATE TO THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS TO AID IN THE ERECTION OF A CAPITOL BUILDING IN THE CITY OF DENVER, AND FOR THE

SUBMISSION OF THE QUESTION TO A VOTE OF THE QUALIFIED ELECTORS OF THE STATE.

Be it enacted by the General Assembly of the State of Colorado :

Submit to electors
at the next gener-
al election.

SECTION 1. That there shall be submitted to the vote of the qualified electors of the State of Colorado, at the next general election occurring in November 1883 for their ratification or rejection, the proposition to create a bonded indebtedness on behalf of the State to the amount of three hundred thousand dollars, under the provisions of Sections 3, 4 and 5 of Article XI of the State Constitution; the bonds representing such indebtedness to be due and payable in fifteen (15) years from the date of issue, and to bear interest at a rate not exceeding six (6) per cent. per annum; the said bonds to be sold for not less than their par value, and the proceeds thereof to be used in the erection of a State Capitol building in the City of Denver, in such manner as may be provided by the acts of the Legislative Assembly.

Secretary of state
shall give notice
to county clerks.

SEC. 2. It shall be the duty of the Secretary of State at least thirty (30) days previous to the general election afore-mentioned, to make out and cause to be delivered to the County Clerk of each County of the State a notice in writing stating that at such general election the before mentioned question is to be submitted to the vote of the duly qualified electors of the State, for their ratification or rejection as required by the Constitution; and the County Clerk of each County shall thereupon give notice in writing of such election by causing the same to be published in a newspaper having general circulation in the County, and sending of a copy of such notice by mail to the judges of election in each precinct, to be posted at the place of voting at least fifteen days before the date of said election; and no person shall vote at such election upon the question of creating a bonded indebtedness as set forth in Section 1 of this act unless he shall have the necessary qualifications of an elector as provided by law.

County clerk shall
publish notices and
furnish to judges
of election copies
thereof to be
posted.

What the ballots
shall contain.

SEC. 3. All persons voting on the question as before provided, shall vote by separate ballot, which shall be deposited in a box to be used for that purpose

only and on which ballot shall be printed the words, "For the creation of a bonded indebtedness of three hundred thousand dollars, to aid in the erection of a State Capitol building," or "Against the erection of a bonded indebtedness of three hundred thousand dollars to aid in the erection of a State Capitol building." The votes so cast on the question of the creation of the said bonded indebtedness shall be canvassed, and the result determined in the same manner as provided by the laws of this State for the canvass and return of votes for Representative in Congress.

SEC. 4. There is hereby created for the purposes of this act, a board to be known as the Board of Commissioners of the State debt, which shall consist of the Governor of the State, the Secretary of State, the State Treasurer and State Auditor. If a majority of the votes lawfully cast upon the question of the creation of a bonded indebtedness as set forth in the preceding sections shall be in favor of the creation of such indebtedness, then the Board of Commissioners as aforesaid shall proceed as soon as practicable to carry out the provisions of this act by the issue of coupon bonds of the State of Colorado as hereinafter set forth. The bonds issued shall be comprised in one series of three hundred bonds numbered from No. 1. to No. 300, both numbers inclusive, which shall be of the denomination of one thousand dollars each, and the rate of interest thereon, which shall be determined upon by the said board, shall not exceed six (6) per cent. per annum, to be evidenced by coupons attached to said bonds, and to be paid semi-annually at the office of the State Treasurer in the City of Denver, or at such bank or banking house in the City of New York as the said board may designate, at the option of the holders thereof. The principal of said bonds shall be due and payable in fifteen years from date of issue at the office of the State Treasurer. All the bonds issued under this act shall be registered in the office of the State Auditor, and his certificate of such registry, and the seal of his office shall be affixed to each bond, which certificate and seal shall be evidence of their legal issue; and the total amount of such issue shall be three hundred thousand dollars.

How canvassed.

Board of commissioners of state debt created.

Number and denomination of bonds.

Interest where paid;

Shall be registered.

Called "capitol building bonds."

How executed.

SEC. 5. The bonds issued under this act shall be known as "Capitol Building Bonds," and shall be signed by the Governor of the State, countersigned by the State Treasurer, and attested by the Secretary of State, who shall affix the great seal of the State to each bond. They shall be numbered and registered in a book kept for that purpose by the State Treasurer in the order in which they are issued, each bond shall state upon its face the amount for which the same is issued, to whom issued, for what purpose issued, the date of its issuance, and the title of this act under which the issue is made; and the text of the said act shall be printed on the reverse side of each bond.

Tax shall be levied to pay interest.

Interest fund.

Capitol building bond sinking fund.

SEC. 6. Whenever the bonds are issued as provided in this act, it shall be the duty of the State Board of Equalization to levy and assess a special tax on all the taxable property in the State sufficient in amount to fully discharge the half yearly interest accruing on the said bonds, which tax when collected, shall be paid into the State Treasury to the credit of the "Interest Fund," and for the ultimate redemption of the said bonds they shall levy annually after nine years from the date of their issuance, such tax upon all the taxable property in the State as shall create a yearly fund equal to twenty (20) per cent. of the whole amount of the bonds issued, which fund shall be called the "Capitol Building Bond Sinking Fund"; and all taxes for interest on and for the redemption of such bonds shall be levied and collected as other State taxes, and shall be paid into the State Treasury in cash only. The proceeds thereof shall be kept by the State Treasurer as special and distinct funds under their respective heads, to be used in payment of interest on and for the redemption of such bonds only, or for their purchase as hereinafter provided, and for no other purpose whatever. *Provided*, that whenever any surplus remains to the credit of the "Interest Fund" after the full payment of the interest maturing in any year, the said Board of Commissioners shall cause such surplus to be transferred to the credit of the "Capitol Building Bond Sinking Fund." All moneys belonging to the said sinking fund may be invested by the said board in registered bonds of the United States, or they may be applied by the said board to the purchase, on behalf of the State, of such of the Capitol

Building bonds as may be obtainable, as in the judgment of the said board may best serve the interest of the State. The said board shall, whenever called upon, report to the General Assembly the condition of the said sinking fund, the amount of the same, and how invested.

Board shall report to general assembly condition of said sinking fund

SEC. 7. For the payment of the coupons representing the first year's interest accruing on the bonds to be issued under this act, the State Treasurer is hereby authorized and directed to apply any moneys at that time in his hands belonging to the Capitol Building Fund; such moneys so used to be restored by him to the said fund by transfer from the Interest Fund as soon as a sufficient amount is received into the said Interest Fund from the collection of interest tax as provided in Section 6 of this act.

First year's interest to be paid from the capitol building fund.

SEC. 8. When any of the bonds issued under this act are purchased or redeemed, it shall be the duty of the said Board of Commissioners to cancel the same so that they can be plainly identified, and cause a record of such cancellation to be made on the bond registry books of the State Treasurer and the State Auditor.

Cancellation.

SEC. 9. The said Board of Commissioners shall be authorized to prescribe the form of the bonds to be issued under this act, and the coupons thereto; and when such issue is made as hereinbefore provided, the said board shall be authorized to dispose of the same for cash, and deposit the proceeds thereof with the State Treasurer to the credit of the Capitol Building Fund, to be used in aid of the erection of a Capitol Building for the State of Colorado, in the City of Denver, in such manner as may be provided by the acts of the Legislative Assembly; *Provided*, that none of the said bonds shall be sold at less than their par value.

Board of commissioners to prescribe form of bond.

SEC. 10. This act shall not be revised, amended or repealed until the total amount of the indebtedness herein provided for, is fully paid and discharged.

Not to be amended or repealed.

Approved February 11, 1883.

AN ACT

TO PROVIDE FOR THE ERECTION OF A STATE CAPITOL BUILDING AT THE CITY OF DENVER, AND CREATING A BOARD OF DIRECTION AND SUPERVISION, AND APPROPRIATING FUNDS THEREFOR.

Be it enacted by the General Assembly of the State of Colorado :

\$150,000 appropriated.

SECTION 1. That the sum of one hundred and fifty thousand dollars shall be and the same is hereby appropriated out of any moneys in the special fund created for that purpose for the construction and erection of a wing, to what is now or may hereafter be, the Capitol Building of the State of Colorado, in the City of Denver, and said sum, together with such other sums of money appropriated for that purpose by the provisions of this act, or any other act of the General Assembly of the State of Colorado, shall be expended under the control and supervision and by the direction of a Board of Managers of the Capitol Building, as hereinafter provided. The said board shall consist of seven members. The Governor of the State shall be a member of and the chairman of said board, and the remaining six members of said board shall be John L. Routt, Dennis Sullivan, George W. Kassler, Alfred Butters, E. S. Nettleton and W. W. Webster. Said board shall discharge the duties created and imposed upon it by this act, without compensation; *Provided*, each member of said board, except the Governor, shall receive four dollars per day for each day necessarily employed in his duties and actual traveling expenses; and said board shall have authority to employ a clerk to keep a record of their acts and proceedings, and pay him such compensation as said board shall deem reasonable. The money necessary to pay the said board and the said clerk shall be taken from the appropriation created and made by this and other acts for the erection of said Capitol Building; and provided, further, that said board shall have the power to fill all vacancies that shall arise in said board, and a majority

Board of managers.

Salary of the board.

Clerk.

of said board shall constitute a quorum and be empowered to act in all matters pertaining to the duties of said board.

SEC. 2. Within thirty days after the taking effect of this act, it shall be the duty of said board to advertise for sixty days in six newspapers of the largest circulation in the respective places named, four of which shall be published in the State of Colorado, one in the city of Denver, one in Pueblo, and one in Greeley, Colorado, and one in Leadville, Colorado; one in the city of Chicago, Illinois, and one in the city of St. Louis, Missouri, calling for plans and specifications for a State Capitol Building; and said notice shall also contain a statement that the State will not be liable to any person furnishing any plans and specifications so called for, except the one which shall be accepted. One wing of which Capitol Building to be immediately constructed, as hereinafter provided; said wing not to exceed in cost two hundred thousand dollars, and to be built in conjunction with, and so built that it may be used in connection with the entire Capitol Building to be thereafter constructed, and so constructed as to form a part of what may finally be a symmetrical Capitol Building for the State of Colorado; and said first wing to be so erected and constructed as to contain rooms convenient for offices or committee rooms on the first floor, and on the second floor a hall for the House of Representatives; said hall to contain an area of not less than 9,000 square feet, together with appropriate galleries, and the building shall contain all the gas-piping, plumbing, drain pipes, ventilating shafts, or ducts and flues necessary or convenient for lighting, ventilating and heating the same in the most approved method. And the contracts for the Capitol Building shall provide for fire proof vaults sufficiently large and numerous to contain, and efficiently preserve, all the archives and papers of the different departments and the State government that may be located in the said building, and which shall be surrounded and protected by masonry in the most approved manner.

Said board to advertise for plans and specifications for the building.

Wing not to exceed two hundred thousand dollars.

How it shall be built.

Fire proof vaults.

SEC. 3. Within twenty days after the day named in the advertisement, it shall be the duty of the said board, in conjunction with a competent builder and architect

Adoption of plan.

who shall not be interested in the letting of said contract, said builder and architect to be appointed by the board, to adopt that one of the plans so submitted which shall in their judgment, be calculated to best supply the wants and meet the requirements of the State, and they shall have the right to reject any or all of the plans submitted.

Compensation for
the plan.

SEC. 4. The said board shall allow, as compensation for the plan adopted, one and one-half per cent. on the contract price of said wing of said building to be constructed; but said architect shall, for the compensation aforesaid, make the general plan, specification, working and detailed drawings as herein provided. The board shall certify the contract price to the Auditor, who shall thereupon draw his warrant on the said special fund for three-fourths of one per cent. of the contract price in favor of the architect, the other three-fourths to be paid within one year after the delivery of the said plans, drawings and specifications; *Provided*, that the said architect shall receive in addition to the above per centum, one thousand dollars for the entire plans and specifications for said Capitol Building without the detailed drawings for the other wings; *Provided*, further, that no plans shall be adopted that will be for a building when completed that will cost more than one million of dollars, and the building herein provided for, when complete, shall not cost more than one million of dollars.

Advertise for bids
for the construction
of one wing.

SEC. 5. The board shall within thirty days after the adoption of the plans and specifications as above provided, advertise in six newspapers of the largest circulation in the respective places named, one of which shall be published in Denver, one in Pueblo, one in Greeley, one in Leadville, one in the city of Chicago, Illinois, and one in the city of St. Louis, Missouri, for sixty days, for bids for the erection and completion of a building to constitute one wing of the Capitol Building of the State as aforesaid, in accordance with the plans and specifications adopted. The said plans and specifications shall be kept in the office of the chairman of the said Board of Managers, and he is hereby made custodian of the same, and it shall be his duty to see that they are carefully preserved, and shall remain the property of the State. On the day specified in the advertisement for the ex-

amination of the bids, the contract shall be awarded to the lowest and best responsible bidder for the State. The board shall require a good and sufficient bond or other good security in the sum of twenty thousand dollars to accompany each bid; such bond or other security shall be made payable to the State, on condition that if the party making the bid shall be awarded the contract, he will within twenty days after the award execute the bond provided for in section nine of this act, and in default of such bond or other security being filed with the board before the bids are opened, the bid shall not be considered. The board shall reserve and have the right to reject any and all bids if in the opinion of a majority of the board it shall be for the best interest of the State so to do.

Bond in sum of \$20,000 to accompany each bid; conditions of the bond.

SEC. 6. In the event that all the bids shall be rejected, the board shall immediately advertise again, same as before, except the time shall be for thirty days instead of sixty days. At the time mentioned in said advertisement, the contract shall be let to the lowest and best responsible bidder for the State, unless all the bids shall again be rejected, in which event the board shall forthwith advertise again in the same manner as in this section provided, and shall continue to so advertise until the contract shall be awarded.

If all bids are rejected the board to readvertise.

SEC. 7. Immediately upon the awarding of the contract the board shall appoint a competent, practical builder and architect as superintendent of construction, whose duty it shall be to see that the plans and specifications adopted by the board are faithfully carried out by the contractor in the construction of said Capitol Building. And it is hereby specially made the duty of the superintendent to see that the material used in the construction of, and work done upon the said building, shall in all respects conform in letter and in spirit to the plans and specifications. It shall be the duty of the said superintendent to make and return to the board monthly statements showing the amount and progress of the work done on said building, and such other information in regard to his duties as the board may direct or require. Such statement shall be made in writing and sworn to by the superintendent. The superintendent before entering

Superintendent of construction.

Shall execute a
bond in the sum
of \$25,000.

Compensation.

How building to be
constructed.

Bond of contractor.

upon the discharge of his duties shall execute a bond to the State of Colorado with good and sufficient sureties in the sum of twenty-five thousand dollars to be approved by the Governor, and to be conditioned for the faithful performance of his duties as specified in this act. The superintendent shall be allowed by the board as compensation for his services two per cent. on the contract price of the work done under his supervision, which amount shall be certified to by the board, and on such certificate the auditor shall issue a warrant on the treasurer, payable out of the special fund for said amount, as the work progresses. The said superintendent shall give his constant personal attention to the work as it progresses, and shall also accompany the said board in all their visits of inspection, and give such information and explanation as may be required by the said board at any time.

SEC. 8. The Capitol Building shall be fire proof and the walls of said building shall be constructed of stone, or stone and brick, as the Board of Managers may direct; the face of said walls to be of stone, and all pillars, arches and ornamental work shall be of such kind and quality of stone as the board may decide after inspecting the plan that shall be adopted.

SEC. 9. The contractor before entering upon the execution of the contract shall execute a bond to the State of Colorado in the penal sum of not less than one hundred thousand dollars, with good and sufficient sureties to be approved by the Board of Managers and conditioned for the full and entire completion of the said wing of the Capitol Building and its connection with the balance of the Capitol Building as herein provided, so that it may be used in connection therewith, from the time of its completion and for the faithful performance of the contract in all respects. Said bond shall be given within twenty days after the awarding of the contract, or in default thereof, the contract shall be awarded to the next lowest and best responsible bidder, or the board may re-advertise for bids, if in the opinion of a majority of the board it shall be for the best interest of the State, and the defaulting parties shall pay to the State all damages which it may sustain by reason of such defaulting parties having failed to execute the bond and perform the contract.

SEC. 10. The contract shall provide for the completion of said wing of said Capitol Building by the first day of December, 1884. During the progress of the construction and erection of said building the superintendent shall make out and file with the board on or before the first day of each and every month his estimates of the work done and material furnished by the contractor, and the board shall, after an examination of such estimates, certify to the auditor the amount found due the contractor upon the estimates. Upon such certificate being presented to the auditor, he shall draw his warrant on the said special fund, or Capitol Building fund in favor of the contractor, for eighty per cent of the amount so certified to by the board, and when the said contract and building is completed and final estimates made, the board shall certify this fact to the auditor, and he shall then draw his warrant for the balance on the contract; *Provided*, that the whole amount paid out under the provisions of this act, including the cost of advertising, plans, architect, builder, superintendent and every other expenditure under and by the provisions of this act, shall not exceed in the aggregate the sum of two hundred thousand dollars; and *Provided further*, that each person or firm to whom any such payment shall be made shall accept the same as payment in full of any and all contracts made, or liabilities incurred, by or in behalf of the State under any of the provisions of this act, and shall execute a release in writing, of all claims, and demands against the State, on account of any and all services rendered, or material furnished on account of said building or under the provisions of this act.

Contract to be completed by Dec. 1st. 1884.

How contractor to be paid.

SEC. 11. It shall be the duty of said Board of Managers on the first Monday of every month while the work progresses, to inspect the work on said building and to inquire into the manner in which the contracts are being executed, and if they shall find any portion of the work done or material furnished under said contracts of a character less valuable than stipulated for in said contract, they shall immediately give notice to the contractor that said work or material, as the case may be, will not be received, and unless such contractor immediately signifies his intention of procuring the proper material, or of re-constructing the work, as the case may be, and

Duty of board of managers to inspect.

shall proceed immediately to do so, or in case he shall so signify and shall fail to furnish such new material, or perform such new work within a reasonable time to be fixed by said board, said board shall make known to him that his contract is rescinded and at an end, and such contract shall be re-let as originally provided for in this act, *Provided*, however, if the said contractor shall have furnished any material, or done any work on said building such as was contracted for, the said board shall have the right if in their judgment it is equitable and just, to allow the party its value and may issue their certificate on the auditor for the amount, and *Provided further*, that no part of the work shall be deemed accepted until the final acceptance on completion of the wing to be built.

Board to report to
the general as-
sembly.

SEC. 12. It shall be the duty of said Board of Managers to report to the General Assembly of the State at the next regular meeting thereof, the manner in which they have discharged their duties, the character and condition of the work done, the money expended, the various persons contracted with, the amount and character of the contracts, the date of the several bonds, taken together with the names of the obligors, the contracts which may have been forfeited, in whole or in part, and all other information relative to the erection of said building. Also an estimate of the amount required to complete the State Capitol Building.

Superintendent; to
report to the gov-
ernor before next
regular session of
the general as-
sembly.

SEC. 13. It shall be the duty of the superintendent to make his report to the Governor on or before the first day of the next regular session of the General Assembly, of the manner in which the work has been executed, noting in said reports what contractors, if any, have failed to perform their contracts in whole or in part, and what injury or loss has resulted from such failure.

Emergency.

SEC. 14. In the opinion of the General Assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved February 11, 1883.

AN ACT

TO AMEND SECTION 78, OF CHAPTER "C" OF THE GENERAL LAWS OF THE STATE OF COLORADO, ENTITLED "TOWNS AND CITIES AND ESPECIALLY CITIES OF THE SECOND CLASS."

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That section (78) seventy-eight of chapter "C" of the General Laws of the State of Colorado, entitled "Towns and Cities in relation to Cities of the Second Class," shall be amended to read as follows: The qualified electors of cities of the second class, shall, on the first Tuesday in April in each and every year, elect a mayor, a city marshal, a city clerk and a city attorney, who shall each hold their office for the term of two years, and until their successors are elected and qualified. The mayor shall be the presiding officer of the city council and shall vote when there is a tie vote, but not otherwise. He shall in addition to the duties now devolving upon him by law, have full power to nominate all appointive officers, and if said persons, so nominated, shall receive a majority of the votes of the city council, at the first meeting thereof, after the election, held on the first Tuesday in April, as aforesaid, then they shall hold their offices for the term for which they were appointed, except sooner discharged by the mayor for good cause shown. When it may appear for the good of the city the mayor may remit the fines of any person or persons convicted for violations of the city ordinances. The mayor shall receive such salary for his services, payable quarterly, as the city council prior to his election may fix as hereinafter provided for. The marshal elected under the provisions of this section as aforesaid, when elected, before entering upon the duties of his office, shall execute a bond to be approved by the mayor, and filed in the office of the city clerk, in such sum as may be fixed by ordinance, with two solvent securities, for the faithful performance of the duties of his office. He shall receive such salary as may be fixed by ordinance, and shall be allowed the same fees as is allowed sheriffs and constables for like

Election of officers.

Duties of mayor and his powers and compensation.

Marshal shall give bond.

Compensation.

Clerk and his duties
and compensation.

services. The city clerk shall perform all the duties of his office as may be fixed by ordinance, and shall receive for his services the salary and fees as shall be fixed by ordinance. The city attorney shall, in addition to the duties fixed by ordinance, prosecute all cases before the police justice, all violations of the city ordinances, and he shall receive the sum of two dollars for each case he prosecutes to conviction before the police justice, to be taxed as other costs in the case; *Provided*, however, that the city shall not be liable to pay any of said fees so taxed; *Provided, further*, he shall receive no other compensation. The city council shall at least as early as their last monthly meeting before such general municipal election, by ordinance, fix the salaries and fees, of all the officers of said city for the period for which they were elected or appointed, and they shall not increase or diminish the salary of any officer during his term of office except members of the council, who may hold over, who shall receive the same salary as that provided for the incoming members, for the remainder of their term of office.

City council to fix
fees and salaries.

Repeal.

All acts and parts of acts inconsistent with this act are hereby repealed.

Emergency.

SEC. 2. An emergency existing in the opinion of this General Assembly why this act should go into operation at once, it hereby becomes a law from and after its passage.

Approved February, 11, 1883.

AN ACT

TO AMEND CHAPTER C. OF THE GENERAL LAWS, "ENTITLED TOWNS AND CITIES."

Be it enacted by the General Assembly of the State of Colorado :

Redemption of city
warrants.

SECTION 1. Be it enacted that whenever the Treasurer of any city or town, has any city or town funds on

hand in cash to the amount of five hundred dollars or over, it shall be his duty to immediately apply all such funds to the redemption of an equal amount of such outstanding city or town warrants or orders, with the interest due thereon, as may be entitled to a preference as to payment according to the order of time in which they have been previously presented to the treasurer of such city or town as evidenced by the registry of the orders of such city or town kept in his office as provided by law, and for this purpose he shall cause to be advertised for thirty days in some newspaper published in or nearest such city or town, a notice that he will redeem such certain city or town orders or warrants, with interest due thereon, stating their number and amounts on presentation at the treasury of such city or town, and that at the expiration of thirty days from the date of such notice, such orders or warrants shall cease to bear interest.

SEC. 2. It is hereby declared that an emergency ^{Emergency.} exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

Approved February 19, 1883.

AN ACT

TO REDUCE THE LAW INCORPORATING THE CITY OF DENVER AND THE SEVERAL ACTS AMENDATORY THEREOF INTO ONE ACT, AND TO REVISE AND AMEND THE SAME.

Be it enacted by the General Assembly of the State of Colorado :

ARTICLE I.

CORPORATE NAME AND BOUNDARIES.

SECTION 1. That the inhabitants of the City of Denver, in Arapahoe County, and State of Colorado, be ^{Name.} and are hereby constituted a body politic and corporate

by the name and style of "The City of Denver," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and may have and use a common seal and alter the same at pleasure.

Boundaries.

SEC. 2. Hereafter the corporate limits of "The City of Denver" shall be as follows: Beginning at the northwest corner of the southwest quarter of section twenty-one (21) of township three, (3) south of range sixty-eight (68) west; thence east along the east and west center lines of sections twenty-one (21) and twenty-two (22) to east line of section twenty-two; thence north to the north line of the south half of the northwest quarter of section twenty-three (23) in said township; thence east along said north line to the northeast corner of the southwest quarter of the northeast quarter of section twenty-four; thence south to the south line of section twenty-four; thence west along said south line of section twenty-four to the center of the south line of said section twenty-four (24); thence south along the north and south center line of section twenty-five to the south line of said section twenty-five (25); thence west along the south line of section twenty-five (25) to the northeast corner of section thirty-five (35); thence south along the line between sections thirty-five (35) and thirty-six (36) in said township, and along the line between sections one (1) and two (2) to the southeast corner of said section two (2) in township four (4) south, and range sixty-eight (68) west; thence west along the south line of said section two (2) to the northeast corner of section ten (10) in said last named township; thence south along the east line of said section ten (10) to the southeast corner of said section ten (10); thence west along the south line of sections nine (9) and ten (10) of said last named township to an intersection with the present center line of the South Platte river; thence northerly down the center line of the said South Platte river to an intersection with the north line of said township four (4) south, in range sixty-eight (68) west; thence east along said line to the southeast corner of section thirty-two (32) in township three (3) south, in range sixty-eight (68) west; thence north along the west lines of sections thirty-three, (33) twenty-eight (28) and twenty-one (21) to the place of be-

ginning; save and except the northeast quarter of the northeast quarter of section ten (10) in township four (4) south of range sixty-eight west, which shall not be included in said city. All which land included within the aforesaid boundaries is situate in the county of Arapahoe, in the State of Colorado, and the same together with all additions to said city of Denver now made is hereby declared to be within the limits of the city of Denver. It shall be the duty of the Board of Aldermen, upon the passage of this act, or within one year thereafter, to make or designate the boundaries of not less than nine wards, which said designation shall be upon the basis of population and convenient to the citizens of said city.

Board of aldermen
to designate nine
wards.

SEC. 3. Whenever any territory shall be laid out and surveyed as an addition to the city of Denver, such territory shall, upon the filing of the plat or map thereof in the office of the recorder of the county of Arapahoe, become a part of the city of Denver, and be included within the limits and jurisdiction thereof; *Provided*, that said map shall show a topographical survey of the land, showing streams, creeks, bluffs, lines, etc., and that said maps shall not be filed or recorded until all back taxes on the land so laid out are paid, and if said land has been sold for taxes, the same shall be redeemed from such sale; *Provided*, further, that no map or plat of an addition to said city shall be recorded or filed with the county clerk and recorder, until the same has been by the owner of such contemplated addition submitted to the city council and approved by it, and no map or plat of any addition shall be adopted or approved, unless the proposed streets and alleys therein are in conformity as to width, courses and angles, with the streets and adjoining additions or portions of said city.

Additions, how
made.

SEC. 4. The inhabitants of said city, by the name and style aforesaid, shall have power and authority, and they are hereby empowered and authorized to take, hold, possess, use and enjoy both real and personal property by deed, grant, gift, bequest, devise or otherwise, and they shall have power through and by the city council to sell and convey the same for the sole use and benefit of the inhabitants of said city, and may also, for the use of the

Corporate powers to
hold real and per-
sonal property.

inhabitants of said city, purchase, hold, possess and enjoy real property beyond the limits of said city for burying grounds and cemeteries, to vacate any cemetery within or beyond the city limits, and cause the dead buried therein to be removed therefrom; for the erection of hospitals, pest houses, or for any sanitary purposes or other public uses, or for the construction of reservoirs for water works of any description for the use of the city, and to improve the same.

ARTICLE II.

THE CITY COUNCIL AND ITS POWERS.

Exempt from jury service.

SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen, who shall, during their term of service, be exempt from serving on juries in all courts in this State, the evidence of which shall be a certificate of the city clerk setting forth the fact.

Two members from each ward.

SEC. 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters of their respective wards, for two years, and until their successors shall be legally qualified.

Qualifications.

SEC. 3. No person shall be an alderman unless, at the time of his election, he shall have resided within the limits of the city one year immediately preceding his election, and shall be a resident of the ward for which he is elected, and a citizen of the United States, and a property holder within said city.

Removal from the ward vacates office.

SEC. 4. If any alderman shall, after his election, remove from the ward for which he was elected, the city council shall, and it is hereby made their duty to declare the seat of the alderman for said ward vacant, and they shall by vote, order a new election to fill the vacancy.

Cannot hold office or contract under city.

No alderman or other officer shall, during his continuance in office, be appointed to, or competent to hold any office, the emoluments of which are paid from the city treasury, or paid by fees in pursuance of any act, or ordinance of the city council, or be interested in any contract with the city, directly or indirectly. Any member of the city council or other officer, who shall violate this

Penalty.

provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and imprisonment in the county jail, not exceeding six months, or both fine and imprisonment. and it is hereby made the duty of the auditor to institute proper proceedings for the enforcement of this provision. The city council shall have the power to allow and fix compensation for aldermen, which shall not in any case exceed an annual salary to such aldermen of six hundred dollars.

SEC. 5. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections under this act.

To determine contested seats.

SEC. 6. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. But no action of the city council by which money will be drawn from the treasury, or contract made that will bind the city in the future, shall be taken, or valid, unless such action receive the affirmative votes of a majority of all the city council elect.

Majority constitutes a quorum.

Majority of all to contract or appropriate money.

SEC. 7. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elect, expel a member.

Powers as to rules, orders and expulsion.

SEC. 8. The city council shall keep a journal of its proceedings, and from time to time shall publish the same, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

Shall publish proceedings.

SEC. 9. All vacancies that shall occur in the board of aldermen shall be filled by election.

Vacancies.

SEC. 10. The mayor and each alderman, before entering upon the duties of his office, shall take and subscribe an oath, or make an affirmation, that they will support the constitution of the United States and the constitution of the State of Colorado, and that they will well and truly perform the duties of their office to the best of their skill and ability.

Oath of office.

Alderman, how
chosen in case of
a tie.

SEC. 11. Whenever there shall be a tie in the election of alderman, the judges of election shall certify the facts to the mayor, who shall in the presence of the city council determine the same by lot, in such manner as shall be provided by ordinance.

Twelve meetings a
year.

SEC. 12. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by the city council.

Shall order election
to fill vacancy.

SEC. 13. Whenever a vacancy shall occur in the city council, either of the mayor or alderman, it is hereby made the duty of the city council to immediately order an election to fill the vacancy.

President of the
council, how
chosen and his
duties.

SEC. 14. The aldermen shall elect one of their number president, who in the absence of the mayor shall preside over their deliberations, and who in the absence of the mayor from the city, shall exercise the same authority, and perform all the duties of mayor of Denver, and shall sign all bills and warrants as mayor pro tem. In case the office of the mayor shall become vacant, and six months will not intervene between such vacancy and the next election for city officers, then the president of the council shall act as mayor till the next city election, and until a mayor is elected and qualified, and shall receive the same compensation, as a mayor elect.

May appoint clerk,
building inspector,
inspector of
weights and
measures, street
commissioners,
and other officers.

SEC. 15. The city council shall have power to provide by ordinance for the appointment of a city clerk, building inspector, inspector of weights and measures, and street commissioner; all other officers necessary to enforce and carry into effect the provisions of this act, and the ordinances of the city of Denver, the election or appointment of which is not herein otherwise provided for, and to prescribe the duties thereof, the time for which they shall hold their respective offices, and the causes for, and proceedings, and method by which they may be removed from office, and also to provide by ordinance for the removal from office of the city treasurer, city auditor, city engineer and city attorney, upon conviction by a court of competent jurisdiction, for non-feasance or malfeasance in official duties, and fill any vacancies in said offices until the next general election.

SEC. 16. The city council shall have power to re-^{May require bonds.}quire of the officers appointed or elected in pursuance of this act, bonds with penalty and security, for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed or elected as aforesaid to take such oath or make such affirmation as the city council may prescribe for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

SEC. 17. The city council shall have, subject to the ^{Enumeration of powers of city council.}provisions hereinafter named, the general management and control of the finances, and all property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance not repugnant to the constitution of the United States or the constitution of the State of Colorado:

First. To establish a system of sewerage.

Second. To appropriate money and provide for the payment of the debts and expenses of the city.

Third. To make regulations to prevent the introduction of contagious diseases in the city, to make quarantine laws for that purpose and to enforce the same within five miles of the city.

Fourth. To establish hospitals and make regulations for the government of the same.

Fifth. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

Sixth. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers.

Seventh. To establish, erect and keep in repair bridges.

Eighth. To divide and re-divide the city into wards, alter the boundaries thereof, for the purpose of equalizing the population of the several wards, and whenever the

population of the city, as shown by the census, or other enumeration provided for by ordinance or other legal authority shall exceed seventy thousand to create an additional ward, and from time to time may add an additional ward for every ten thousand inhabitants, in excess of seventy thousand.

Ninth. To provide for lighting the streets and erecting lamp posts.

Tenth. To erect market houses, to establish markets, and market places, and to provide for the government and regulation thereof.

Eleventh. To provide all needful buildings for the use of the city.

Twelfth. To provide for enclosing, improving and regulating all public grounds belonging to the city.

Thirteenth. To license, tax and regulate auctioneers, grocers, commission merchants, retailers, merchants, hotels and inn-keepers, boarding houses, public buildings, public halls, public grounds, concerts, photographers, artists, agents, porters, runners, drummers, public lecturers, public readings and shows, real estate agents and brokers, horse and cattle dealers, beer houses, patent right dealers, inspectors, gaugers, stock yards and wagon yard, mercantile agents, insurance companies, insurance proprietors, agents, second hand dealers, junk shops, bill posters, banking and other corporations, and institutions, drain pipe layers, street railroad cars, Herdic or other coaches or carriages, hackney carriages, omnibuses, carts, drays, job wagons, ice wagons and all other vehicles and all other business trades, avocations or professions, whatever, and fix the rates for carriage of persons, and of wagonage, drayage or cartage of property; and to license, tax and regulate as ordinaries, hawkers, peddlers, brokers, pawn brokers, money brokers, money changers, intelligence offices, public masquerades, balls, street exhibitions, sparring exhibitions, fortune tellers, pistol galleries, dealers in tickets of legalized lotteries, corn doctors, private venereal hospitals, museum and menageries, equestrian performances, horescope views, lung testers, muscle developers, magnifying glasses, pin alleys, ball alleys, billiard

tables or any other tables, theatrical or other exhibitions, shows, and amusements, and to suppress dance houses, opium joints, gaming, gambling houses, prize fighting, dog fighting, cock fighting, bawdy houses, disorderly houses, houses of ill-fame or assignation, and to destroy instruments for gaming.

Fourteenth. To license, tax and regulate hackmen, draymen, omnibus drivers, porters, and to fix the rates of portorage, and to license, tax and regulate all others pursuing like occupations with or without vehicles, and prescribe their compensation; and to regulate, license, tax and restrain runners for cars, stages, hacks, carriages and public houses.

Fifteenth. The city council shall have exclusive power within the city, to license, tax, restrain, regulate, prohibit and suppress, tippling houses, dram shops, and the selling or giving away of any intoxicating or malt liquors, by any person within the city, except by persons duly licensed.

Sixteenth. To regulate the storage and transportation of illuminating oils, high explosives, gun powders, tar, pitch, rosin and other explosive or combustible material.

Seventeenth. To regulate parapet walls and partition fences, and restrain cattle, hogs, horses, sheep, dogs and all other animals from running at large, and to prohibit the erection or maintenance of barb wire fences within the city limits.

Eighteenth. To establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases, not otherwise provided for by law, and to order all ordinances on the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order.

Nineteenth. To provide for the measuring and inspecting of lumber, and other building materials, and for the measuring of all kinds of mechanical work.

Twentieth.—To provide for the inspection and weighing of hay and mineral, coal, the measurement of charcoal, fire-wood, and other fuel to be sold and used within the city.

Twenty-first. To provide for and regulate the inspection of flour in barrels or sacks; also tobacco, beef, pork and whisky in barrels.

Twenty-second. To regulate the inspection of butter, lard and other provisions.

Twenty-third. To regulate the weight and quality of bread to be used in the city.

Twenty-fourth. To regulate the size of bricks to be sold and used in the city.

Twenty-fifth. To provide for taking the enumerations of the inhabitants of the city.

Twenty-sixth. To regulate the election of city officers, and to provide for removing from office any person holding office created by ordinance.

Twenty-seventh. To fix the compensation for city officers, and regulate the fees of jurors, witnesses and others for the services rendered under this act, or any ordinance made in pursuance hereof, not herein otherwise provided for.

Twenty-eighth. To prescribe fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; and all money collected under or by authority of any city ordinance shall be deemed and taken to belong to the said city, and be disposed of by the city council under the ordinances of said city for the general use and benefit of the inhabitants thereof.

Twenty-ninth. The city council shall have exclusive powers within the city by ordinance to license, suppress and restrain billiard tables and bowling alleys.

Thirtieth. The city council shall have power to prohibit gambling and gambling houses, bawdy houses, disorderly houses and houses wherein lewd persons assemble for dancing in any and every portion of the city.

Thirty-first. To provide for the removal of buildings when erected or allowed to remain in any locality,

contrary to the ordinances of the city, to regulate and prevent the carrying on of manufactures or other business or calling dangerous in causing or producing fires, or dangerous or injurious to health; to appoint fire wardens and property guards with power to remove and keep away from the vicinity of any fire all idle and suspicious persons near the same, and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods or property from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

Thirty-second. The city council shall have the exclusive right within the corporate limits of said city annually to levy and collect a poll tax, not exceeding one dollar upon every male person over twenty-one, and under fifty years of age, who shall have resided three months within the city, which, when collected, shall constitute a special fund, to be used for repairing and cleansing the streets, and the city council may enforce payment of such tax by fine, as may be provided by ordinance.

Thirty-third. To remove all obstructions from the streets, lanes, avenues and alleys of the city, and from the sidewalks and curbstones within the city, and prevent and remove all encroachments into or upon all or any streets, lanes, avenues or alleys within the city, established by law or ordinance.

Thirty-fourth. To levy and collect annually, a license fee, not exceeding ten dollars upon each and every dog owned or kept within the city of Denver, and the city council may enforce the payment of the same by ordinance, in such manner as they may determine.

Thirty-fifth. To make such rules and regulations with regard to the improvement, preservation, laying out and ornamenting any grounds for a cemetery or cemeteries without the limits of the city, and for the sale of burial places or lots for the interment of the dead therein, as they may deem proper, and also to provide for the punishment of all persons who shall without said city limits, be guilty of any violation of said rules and regulations, or the rules and regulations which the city

council are hereby empowered to make for the preservation or improvement of any ditch or ditches, reservoir or reservoirs, or other property owned or held by lease by the city, outside of the said city limits, and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within the city, and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits by any officer of the city the same as if the offense had been committed within the city.

Thirty-sixth. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusements or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams or horses.

Thirty-seventh. To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises occupied by them, and if not occupied, then compel the same to be done by the owners or agents thereof.

Thirty-eighth. To prevent the ringing of bells, blowing of horns, crying of goods, and all other noises, performances and devises tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusements, or otherwise.

Thirty-ninth. To license, regulate and restrain runners for stages, cars or public houses.

Fortieth. To regulate the burial of the dead, the registration of births and deaths, to direct the keeping and returning bills of mortality and impose penalties on physicians, sextons and others for any default in the premises.

Forty-first. To permit and regulate the running of horse railway cars, or cars propelled by dummy engines, the laying down tracks for the same, the transportation of passengers thereon, and the form of rail to be used, upon the written consent of the owners of the land represent-

ing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes.

Forty-second. To provide for the inspection and storage of petroleum and other mineral oils.

Forty-third. To regulate and prohibit the use of locomotive engines and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks and to require railroad companies to construct, at their own expense such bridges, tunnels or other conveniences, at public railroad crossings, as the city council may deem necessary, and to regulate the rules of speed of all railroad trains within the city limits.

Forty-fourth. To erect a workhouse and house of correction and provide for the regulation and government thereof.

Forty-fifth. To prevent and restrain any riot, noise, disturbances or disorderly assemblages in any street, house or place within the city, and to provide penalties for breaches of the peace, fighting or disorderly conduct.

Forty-sixth. To prevent the interment of the dead within the present or future limits of the city.

Forty-seventh. To direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

Forty-eighth. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Forty-ninth. To prevent horse-racing, fast driving in the streets, and to authorize persons immoderately riding or driving to be stopped by any person, and punish or prohibit the abuse of animals, to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the street, and to compel owners of lots with a building fronting on the street, to provide hitching posts or rings for hitching horses or other animals.

Fiftieth. To make appropriations from the general fund, not to exceed the sum of three thousand (\$3,000)

dollars in any one year, for the purpose of defraying the expenses of funerals and entertaining official visitors from sister States, provided that any appropriation for said objects shall not be ordered unless by a vote of three-fourths of all the aldermen elect.

Fifty-first. To regulate and license or prohibit butchers, and to revoke their licenses for mal-conduct in the course of trade, and to regulate, license and restrain the sale of fresh meats and vegetables in the city.

Fifty-second. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Fifty-third. To appoint an inspector of buildings, define his duties and provide for his compensation.

Fifty-fourth. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Fifty-fifth. To provide the city with water, to erect hydrants and pumps, to construct cisterns, to provide for and regulate the manner of introducing water for irrigation and other purposes, to regulate and provide for the construction of ditches, canals and gutters for conducting and distributing water through the city, and to keep the same in repair, to regulate the use of water by the inhabitants of the city for irrigating the soil, to build and construct ditches outside the city limits, for the purpose of bringing water into the city for the use of the inhabitants thereof in such way and manner as shall, by the city council be deemed for the best interests of the city, and to keep the same in repair, bore artesian wells for the purpose of obtaining water for the city, at such places within or without the city of Denver as may be procured for that purpose by the city council, to construct or purchase water works for the use of the city, and to enlarge their capacity from time to time, and keep the same in repair and generally to do whatever may be needful and necessary to be done, in order to supply the city of Denver with water, for fire, irrigation and other purposes, and regulate the same.

Fifty-sixth. To enact all ordinances needful for the peace, good order, health, safety and general welfare of the city of Denver.

SEC. 18. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States, or the constitution of the State of Colorado. No ordinance shall be passed, unless a majority of all the city council vote for its passage, which shall be shown in each case by the ayes and nays entered upon the journal.

May pass ordinance to carry into effect the foregoing section.

SEC. 19. The style of the city ordinances shall be, *Style of ordinances.*

"Be it enacted by the City Council of the City of Denver."

SEC. 20. All ordinances of the city council shall, within one month after they shall have been passed, be published in some newspaper in the city, or posted up in three public places in said city, and shall not be in force until they shall have been published as aforesaid.

Ordinances shall be published.

SEC. 21. All ordinances of the city council may be proven by the seal of the corporation, and when printed in book form or pamphlet form and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Ordinances, how proven.

SEC. 22. The city council of the city of Denver shall have the power to determine and fix the boundaries of the channel of Cherry creek and South Platte river, and confine said creek and said river within said channel within the corporate limits of the city, and to remove obstructions therefrom, and to prevent persons from obstructing the same, and to acquire the title of said creek and said river, for the benefit of the inhabitants of said city, and to cause the damage resulting from the appropriation of the same to the public use, to be assessed and paid to the parties claiming and showing title thereto, in such way and manner as may be provided by general law. And the said city council shall have and may exercise sanitary control of the said Cherry creek and South Platte river, and all their tributaries for the distance of twenty-five miles above the corporate limits of said city, and may, by ordinance, provide for the patrol of the same and for the removal therefrom and keeping the same

Cherry Creek.

clear and free from any and all substances calculated to defile, or render impure, or unwholesome the waters thereof, and to provide penalties, and, in the proper municipal courts of said city, enforce the same, against any person, or corporation, placing, within the channel of the same, or upon or adjacent to the banks thereof, within said distance of twenty-five miles above said city, of any dead carcass, or other animal, vegetable, mineral, chemical, or other matter, or liquid or composition tending to defile, or to render the waters thereof impure or unwholesome, muddy, or unsuited for drinking and domestic purposes.

May provide punishment for certain offenses.

SEC. 23. The city council shall have power to provide for the punishment of offenders, by imprisonment, in all cases when said offenders shall fail, or refuse to pay the fines and forfeitures which may be recovered against them, and also to provide, by ordinance, for all persons so fined to work out the said fines and costs, on the streets of the city, or in such other way or manner as they may provide.

Fines shall be paid into the city treasury.

SEC. 24. All fines and forfeitures collected for offenses committed, or penalties incurred within the incorporate limits of Denver, shall be paid into the Treasury of said city, by the officers collecting the same.

Must publish annually a statement of moneys received and disbursed.

SEC. 25. The city council shall cause to be published annually a full and complete statement of all moneys received and expended, by the corporation during the preceding year, and on what account received and expended.

Prosecutions to be in the name of the city of Denver.

SEC. 26. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be prosecuted in the name of the city of Denver.

Appeals.

SEC. 27. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, as provided in this act and not otherwise.

Actions brought to recover any penalty or forfeiture.

SEC. 28. All actions brought to recover any penalty, or forfeiture under this act, or any ordinance, or police regulation made in pursuance thereof, shall be brought

in the corporate name, and it shall be lawful to declare, generally, in debt for such penalty, fine or forfeiture, stating the clause of this act, or the ordinance under which the penalty, or forfeiture is claimed, and to give the special matter in evidence under it.

SEC. 29. In all prosecutions for any violation of any ordinance, or other regulation, the first process shall be by summons, unless oath or affirmation shall be made for a warrant, as in other cases. Process commenced by summons or warrant.

SEC. 30. Execution in such case may issue immediately upon rendition of judgment; and, if the defendant has no goods, or chattels, or real estate, within the county, whereof such penalties, fines and forfeitures may be collected, the officer rendering such judgment may require the defendant to be confined in jail for a term not exceeding six months; and all persons so committed shall be confined one day for each two dollars of such judgment and costs. Executions.

SEC. 31. Nothing in this act shall be so construed as to authorize the city council to tax, or license the sale of the products of the State, except spirituous or malt liquors. Shall not require license on products of this state except liquors.

SEC. 32. The city council shall have power to revise and fix the grades of the streets of the city, and, when the grades are fixed and established, or have heretofore been fixed and established, the said city council shall not have the power to change the same, except by a three-fourths vote of all the aldermen elect. Grades. Three-fourths vote necessary to change.

SEC. 33. The city council shall have the power to contract an indebtedness on behalf of the city, and upon the credit thereof, by borrowing money, or issuing the bonds of the city for the purpose of erecting public buildings; for the purpose of constructing sewers for the city; for the purpose of confining the channel of Cherry Creek, or for turning the channel of Cherry Creek, as hereinafter set forth, and for acquiring the right of way for the said new channel; for the purpose of the purchase or constructing of waterworks for fire and domestic purposes; for the purpose of the constructing or purchase of a channel or canals, or some suitable system for supplying Powers of council to borrow money and contract debts.

water for irrigation in the city, and for the purpose of supplying a temporary deficiency in the revenue for defraying the current expenses of the city. The total amount of indebtedness for all purposes, other than for the purchase or erection of waterworks and securing the necessary machinery and fixtures for operating the same, and the construction, completion and repair of the same, shall not at any time exceed three (3) per centum of the total assessed valuation of the taxable property of the city. No loan for any purpose shall be made, except it be by ordinance, which shall be irrevocable until the indebtedness therein provided for shall be fully paid, specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax not exceeding in total amount for the entire indebtedness of the city twelve mills upon each dollar's valuation of the taxable property within the city sufficient to pay the annual interest and extinguish the principal of such debt within the time limited for the debt, which shall not be less than ten years nor more than fifteen years, and providing that said tax, when collected, shall only be applied to the purposes in said ordinance specified, until the indebtedness shall be paid and discharged, but no such debt shall be created except for supplying the city with water for irrigating purposes, and then not in excess of ten thousand dollars, unless the question of incurring the same shall, at a regular election of officers of the city, be submitted to a vote of such qualified electors of the city as shall, in the year next preceding, have paid a property tax therein; and a majority of those voting upon the question by ballot deposited in a separate ballot box, shall vote in favor of creating such debt.

Limitation.

Loans how made.

Mayor to submit to council a statement of the probable expenses of the ensuing year.

SEC. 34. During the last quarter of each fiscal year the mayor shall present to the council a detailed estimate of the money necessary to defray the expenses of the city government for the next fiscal year; and, for this purpose, may require from officers at the head of the different departments of the city government, including chairman of council committees, detailed statements of the probable expenses to be incurred in their departments. As soon thereafter as possible, the city council shall pass an annual appropriation ordinance for the next fiscal year, appropriating certain definite sums of

money to defray the expenses incident to each department of the city government, based upon the estimate of the mayor, but not of necessity governed by it. The total amount appropriated by such appropriation ordinances shall, in no case, exceed the probable amount of money that will be received during the year by taxation, or from other sources of general revenue.

Appropriation not to exceed probable amount of taxes and other receipts.

SEC. 35. Neither the city council, nor any officer of the city, shall add to the expenditures, in any one year, anything over and above the amount provided in the annual appropriation ordinance for that year. *Provided*, that nothing herein contained shall prevent the city council from incurring any expense, the necessity of which is caused by any casualty, accident or unforeseen contingency happening after the passage of the annual appropriation ordinance.

Shall not exceed appropriation.

SEC. 36. All warrants drawn upon the treasurer shall be signed by the mayor, countersigned and registered by the auditor, and attested by the city clerk, and shall state to whom payable, and from what fund payable, and for what purpose. The total amount of city warrants issued shall never exceed, in any year, the total net income of the city, from taxes and other sources, for the same year, after deducting from such income the amount required to meet and discharge pre-existing obligations of the city, except its bonded indebtedness.

Warrants; how drawn.

Shall not exceed income.

SEC. 37. The city council shall have the power to order the construction, re-construction and repair of all sidewalks, the grading and paving of streets, crossings and alleys; and, in all cases where a majority of the city council shall deem it necessary, the owners of a majority of any ground fronting upon any sidewalk, street or alley, or any specified part thereof, shall petition for the construction, re-construction or repair of the said sidewalk, pavement, or specified part thereof, the city council shall cause such work to be done.

Sidewalks and crossings.

SEC. 38. The expense of the construction and repair of sidewalks, paving of streets, crossings and alleys, shall be assessed upon the property fronting upon the same, and such assessment shall be a lien upon said property, until it shall be paid. In case of failure to pay such

Expenses paid by owner.

How collected.

assessment in a reasonable time, to be specified by ordinance, the same may be certified to the county clerk and recorder, and by him placed upon the tax list for the current year, to be collected in the same manner as general city taxes are now collected, together with ten per centum penalty thereon, to defray the cost of collection; *Provided*, that the owner of said property shall have not less than thirty days in which to construct, nor less than five days in which to repair any sidewalk, in accordance with the plan detailed by ordinance, under the supervision of the city engineer.

ARTICLE III.

ELECTIONS.

Various city officers
to be elected and
their respective
terms.

SECTION 1. On the first Tuesday in April, 1883, an election shall be held in each ward in said city for the election of a mayor, treasurer, auditor, city attorney, city engineer, and police judge, and one alderman from each ward in said city, to take the places respectively of the mayor, treasurer, engineer and alderman whose terms of office by existing laws terminate in 1883, who shall hold their respective offices for two years, and until their respective successors shall be elected and qualified. And for ever thereafter there shall be held each year, in each ward of said city, an election for one alderman for each ward, and every two years thereafter there shall be held, in each ward, an election for mayor, treasurer, auditor, city attorney, city engineer, and police judge of said city, each officer so elected to hold his office for two years, and until his successor is elected and qualified. The city council shall provide by ordinance for the registration of the qualified voters of the city prior to such general election, and in the appointment of boards of registration such ordinance shall be in conformity with the laws of the State concerning the registration of votes. No person shall be allowed to vote at any such election whose name does not appear upon such registry roll for the precinct. In all cases where two aldermen are to be chosen from the same ward at any annual election, the alderman having the highest number of votes shall be declared elected for two years, and the candidate having

Registration to be
provided for by
council.

the next highest number of votes, for one year; and in the case of two successful candidates having an equal number of votes, the term of service to which they shall be respectively entitled shall be determined by the casting of lots in the presence of the city council, and the result shall be entered upon the journal of its proceedings.

SEC. 2. All qualified electors under the laws of the State of Colorado, and who shall have been actual residents of said city thirty days next preceding said election, shall be entitled to vote for city offices; *Provided*, that the said voters shall give their votes in the wards and precincts in which they respectively reside. Qualifications of electors.

SEC. 3. All laws which may be passed by the General Assembly of the State of Colorado, in relation to the registration of qualified electors, shall be taken and held to apply to electors and elections under this act. Registration; state laws to govern.

SEC. 4. All elections for city officers shall be by ballot, and the manner of conducting the same shall be prescribed by ordinance, conforming as near as may be with the statute regulating State and county elections. Elections shall be by ballot.

SEC. 5. The city council shall have power, and it shall be their duty to divide any ward into as many voting precincts as in their opinion may be necessary; *Provided*, there shall be at least one voting precinct for every five hundred voters polled at the last preceding election. Wards divided into voting precincts.

SEC. 6. Any person who shall register or vote in any precinct at any election held under the provision of this act, in which he is not a qualified voter, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be fined in any sum not less than twenty dollars, nor more than one hundred dollars. The police court of the city of Denver shall have jurisdiction of all cases arising under this article. Penalty for fraudulent registering or voting.

SEC. 7. Any general law passed, or which may be passed, regulating primary elections for the election of candidates for office, shall apply to primaries for the selection of candidates for city offices. Regulating primaries.

ARTICLE IX, [IV].

MUNICIPAL OFFICE[R]S, THEIR DUTIES, QUALIFICATIONS, ETC.

Mayor elected for
two years, duties,
etc.

SECTION 1. The chief executive officer of the city shall be the mayor who shall be elected by the qualified voters of the city, and hold his office for two years and until his successor shall be elected and qualified. He shall preside over all meetings of the city council, but shall only be entitled to vote upon questions pending before or which may be determined by the city council, when there is a tie vote of the aldermen present, in which case he shall give the casting or deciding vote.

Qualifications.

SEC. 2. No person shall be eligible to the office of mayor, who shall not be a citizen of the United States and a resident of the city of Denver, and have resided in said city for at least two years next preceding his election, or who shall be under the age of thirty years.

Council to cast lots
to determine a
tie.

SEC. 3. Whenever there shall fail to be an election of mayor voted for by the people, in consequence of two or more persons voted for having received an equal number of votes for the said office, the election shall be determined by the casting of lots in the presence of the city council, and the result shall be entered upon the journal of the proceedings of that body.

Contests.

SEC. 4. Whenever an election for mayor shall be contested, the city council shall determine the same as may be provided by ordinance.

Mayor, his duties.

SEC. 5. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances for the government of the city. He shall inspect the conduct of all the subordinate officers of the city, and cause any negligence or violation of official duty to be prosecuted and punished. He shall from time to time communicate to the city council such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the credit, the police, the health, the security, comfort and ornament of the city. He shall be the head of the police force of the city. He shall have power to discharge persons confined in the city jail in judgment of the police court, for violation of the city

ordinances, and shall report to the city council at the next meeting thereafter, of his action in the premises, and his reasons therefor.

SEC. 6. The mayor is hereby authorized to call upon every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in preventing and extinguishing fires, for securing the peace and safety of the city, or carrying into effect any law or ordinance.

May call upon citizens to aid in enforcing the laws.

SEC. 7. He shall have power whenever he shall deem it necessary to require any officer of said city to exhibit his books and papers.

May compel officer to show his books.

SEC. 8. He shall have power and it shall be his duty to execute all acts that may be required of him by any ordinance made in pursuance of this act or any amendment thereto.

Shall execute laws and ordinances.

SEC. 9. He shall have such power as may be vested in him by ordinance of the city in and within all places, within five miles of the boundaries of the city and of the Platte river and tributaries for twenty-five miles above the city, for the purpose of enforcing the health and quarantine ordinances and regulations.

Powers to extend quarantine five miles beyond the city limits.

SEC. 10. He shall take care that the laws of the State and ordinances of the city are duly enforced and observed within the city. He may upon good cause shown, and by and with the consent of the city council, remit fines, forfeitures and penalties accruing from or imposed for the violation of any city ordinance. He shall have power to suspend and by and with the consent of two-thirds of the city council, remove any officer or member of the police force and those officers elected by the people. He may fill vacancies which may occur in any elective office, until the same may be filled by election as provided by law.

Enforce laws.

Remit fines.

Suspend officers.

Fill vacancies.

SEC. 11. The mayor shall call special sessions of the city council by causing proper notices to be served upon the members thereof.

Special sessions called by mayor.

SEC. 12. Whenever a special session of the city council shall have been called by the mayor, he shall

Mayor to state objects for which special session is called.

state to the council when assembled, the cause for which they have been convened, and their action at such meeting shall be confined to such cause or causes.

Malfeasance
office.

in

SEC. 13. In case the mayor or any officer shall at any time be guilty of a palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duty of his office, he shall be liable to indictment, and on conviction shall be fined in any sum not exceeding five hundred dollars, and such conviction shall operate as a removal from office, and as a disqualification to hold said office forever thereafter.

Penalty.

Office vacated by
absence from city.

SEC. 14. In case the mayor shall absent himself from the city for the period of three consecutive months, or shall cease to reside within the limits of the city, his office shall thereby be vacated.

Power to adminis-
ter oaths.

SEC. 15. In all cases of the examination of charges against any officer or employe of the city, the mayor shall have power to administer oaths, and to subpoena and compel the attendance of witnesses, and the production of books and papers.

Veto.

SEC. 16. Every resolution passed by the city council, which appropriates exceeding three hundred dollars, and all ordinances, before either shall take effect, shall within twenty-four hours after the passage thereof be presented to the mayor for his approval. If he approve, he shall sign the same; if not he shall return the same with his objections in writing to the city clerk, who shall present the same to the city council at the next regular meeting thereof, which objections shall be entered at length upon the journal of the proceedings of the council, and, if the council be of opinion that such ordinance or resolution ought to pass, they may proceed to re-consider the same, and if after such re-consideration, two-thirds of the aldermen elected shall agree and pass the same, said ordinance or resolution shall take effect and be in force, the same as if the mayor had signed it. If the mayor shall not return any resolution or ordinance, passed or adopted by the city council within five days after the same shall have been presented to him as aforesaid for approval, the same shall take effect and be in

force in the same manner as if he had signed it. The mayor may exercise the veto power delegated in this section to the entire annual appropriation ordinance, or to any separate appropriation in the same.

SEC. 17. The mayor shall receive a salary of three Salary. thousand six hundred dollars per annum, payable monthly out of the city treasury.

SEC. 18. It shall be the duty of the city clerk to City Clerk. attend all meetings of the city council and keep a true, full and complete report of its proceedings; also to keep Duties and powers. a record of all official acts of the mayor, and when necessary to attest them; he shall keep and preserve in his office the corporate seal of the city, and all records, public papers, and documents of the city, not required to be kept by any other officer. He shall be authorized to administer oaths; and copies of all papers filed in his office and transcripts from the records of the proceedings of the city council, duly certified by him under the corporate seal of the city, shall be taken as evidence in all courts of this State. He shall perform such other duties as may be prescribed by ordinance.

SEC. 19. The city engineer shall superintend the City engineer, duties and powers. construction of all public works ordered by the city council, shall make out plans, specifications and estimates thereof; do the surveying and engineering ordered by the city and perform all other duties as may be required by ordinance. He shall give his personal attention exclusively to the duties of his office. He shall preserve all plans, maps, notes, surveys, books papers and documents pertaining to his office, made by him or in his charge, and deliver the same to his successor in office.

SEC. 20. The city attorney shall appear for the city City attorney, duties. and attend all cases in all courts in this State wherein the city may be a party, plaintiff or defendant, or a party in interest, and shall perform such other duties as may be prescribed by ordinance.

SEC. 21. It shall be the duty of the city treasurer Treasurer, duties. to receive, receipt for, and keep the money of the city, and pay out the same only on warrants drawn by the mayor and countersigned by the auditor, and attested by

Reports.

the city clerk. He shall report to the city council at the close of each calendar month the amount of money received by him during the preceding month, and from whom and upon what account the same was received; also, the amount of warrants or other evidences of indebtedness received or redeemed by him during the preceding month, by whom the same were presented for redemption or paid into the city treasury. He shall return monthly to the city council all bonds, scrip, or orders he may have redeemed or paid to be canceled by them. If the city treasurer shall fail to report, as provided in this section, he shall forfeit and pay to the city the sum of fifty dollars for each offense. He shall make such other reports and perform such other duties as the council may require.

Penalty for failure to make reports**City auditor.**

SEC. 22. It shall be the duty of the city auditor to prescribe the mode of keeping, dating and rendering all accounts, unless otherwise provided in this act or by ordinance between the city and any person or body corporate; he shall countersign and register all warrants drawn upon the treasurer for all appropriations and moneys ordered paid by the city council. He shall keep a true and accurate account of the revenues, receipts and expenditures of the city, and with the city treasurer, and the different funds of the city; he shall from the tax-rolls compute the revenue due the city for each year, and shall make such reports, estimates and statements as may be from time to time be required of him by the city council. He shall exercise a general supervision over the collection and return into the city treasury and the disbursement of all revenue and other moneys of the city, and over all property, assets and claims of the city, and the custody, sale or disposition thereof. He shall see that all proper and legal proceedings are had to recover, protect, keep and manage such property or interests; that all proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports regulating the fiscal affairs and concerns of the city; that no appropriations or funds are overdrawn or misapplied, and that no liability is incurred nor money or property of the city disbursed or disposed of contrary to the spirit of the law or ordinances. He is especially charged with the preservation of the credit and faith of the city in relation to its

Countersign warrants.**Accounts.****Supervise collection and disbursement of moneys.****Shall preserve the faith and credit of the city.**

bonded debt. He shall at the first meeting of the city council in each fiscal year certify to the city council the amount of money to be raised by taxation for the payment of bonds and coupons maturing during that year, discriminating between the general bonds of the city and the coupons thereon and each series or class of bond and the coupons thereon. He shall publish quarterly, in brief, the financial condition of the city, and shall make semi-annual reports on the first Monday of January and July of the financial condition of the city, and shall transmit therewith to the city council the reports of other fiscal officers, as provided by law or ordinance. He shall provide and keep in his office reliable and complete tables of the finances, property, assets and liabilities of the city, of all contracts, names of contractors, names of employes, in such a manner as to show the department in which they are employed, their salaries, powers and duties, and how appointed. He may appoint a clerk, who shall be a practical bookkeeper, and such other clerks as he may require, when so authorized by ordinance. He may administer oaths, and require all claims, settlements, returns, and reports to be verified; he shall countersign and register all licenses and contracts.

shall certify amount to be raised by taxation.

shall publish financial condition of the city.

Tables of account.

May appoint clerk.

May administer oaths.

SEC. 23 When any of the bonds of the city shall be paid off and redeemed it shall be the duty of the auditor to certify the same with the numbers and amounts thereof to the mayor, and chairman of the finance committee, whereupon the mayor, chairman of the finance committee and auditor shall together examine said bonds so redeemed or paid and if found to be genuine and correct shall take the numbers, dates, series and amounts thereof, and shall burn the same and make certificate thereof to the city council, which shall be spread at length upon the journal thereof. The same persons shall in the same manner, annually or semi-annually, as by ordinance may be required, examine, destroy and certify all coupons paid by the city.

Auditor shall certify numbers and amounts of bonds to mayor.

SEC. 24. The auditor shall require all bills against the city to be rendered in items and verified by the oath of the claimant or some person in his behalf, and no warrant shall be drawn except for services actually rendered, or for money actually due.

Bills itemized and verified.

Auditing committee. SEC. 25. There shall be an auditing committee composed of the city auditor and two members of the city council, and every claim against the city amounting to one hundred dollars or over, shall be passed upon by said committee before the same shall be ordered paid.

Statement of accounts by auditor and treasurer. SEC. 26. The city auditor, city treasurer, and all officers charged with the collection or custody of money, shall on the second Monday in January and July, in each year, make to the city council a full and detailed statement, under oath, of all their accounts, which shall show all money received, from whatever source, from whom, and what for, and all money paid, to whom, and when, and for what purpose paid. Which statement shall be published in the newspaper at the [that] time doing the city printing; and if there be no paper designated for that purpose, then in such paper published within the city as the council may direct. The statement so made by the city auditor shall exhibit in full the resources and liabilities of the city, together with the amount of revenue collected from all sources during the preceding fiscal year; the amount expended on all accounts by the city during the same period, and such further particulars as shall be prescribed by ordinance; and for any refusal, neglect, or failure, to make such report at the time and in the manner herein prescribed, such officer so failing or refusing, and the sureties on his official bond, shall forfeit and pay to the city of Denver a sum not less than one hundred dollars, nor more than one thousand dollars. And it shall be the duty of the city attorney to institute and prosecute to final judgment a suit at law in the name of the city of Denver, against such delinquent officer or officers, and his or their sureties for the recovery of the same. But such recovery shall not be construed as a bar against any other recovery on such official bond for any other default, neglect or delinquency of such officer.

Penalty for refusal or neglect.

Any officer interested in any city contract guilty of a misdemeanor. SEC. 27. If any city officer shall be, directly or indirectly, interested in any contract with or under the city, or in any work done by or for the city or any of its institutions, he shall be deemed guilty of a misdemeanor, and any appointed officer becoming so interested shall be dismissed from office immediately, and upon the mayor becoming satisfied that any elective officer is so interested

he shall immediately suspend such officer and report the facts to the city council, whereupon the city council shall as soon as practicable convene to hear and determine the facts, and if by a two-thirds vote of the city council he shall be found so interested, such officer shall be immediately dismissed from office, and the office held by him be declared and become vacant, which vacancy shall be filled in the manner provided by law. No person shall hold two offices or appointments under the city government at the same time. Penalty.

SEC. 28. If any person being an officer of said city of Denver shall buy or cause or procure any person or persons to buy warrants on the city treasurer or any city fund; or shall deal in the same, or having received money for or on behalf of said city shall exchange the same for warrants on the city treasury, or shall pay into or deposit with the city treasurer warrants drawn on the city treasurer, or any city fund, and thereafter collect the amount specified in such warrant, or any part thereof in money for or on behalf of said city and return the same in partial or full reimbursement for such warrant, for every such offense he shall, upon conviction, be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment; *provided*, that nothing in this section contained shall be held or construed to prohibit the city treasurer from redeeming city warrants, as provided by law or ordinance. No officer to deal in city warrants. Penalty.

SEC. 29. All officers of the city shall reside within the city limits during their continuance in office, and if any officer shall cease to reside within the city limits, his office shall be thereby vacated. Shall reside in the city.

SEC. 30. All officers of the city before entering upon the duties of their respective offices shall take and subscribe an oath (or affirmation) that they will support the constitution of the United States and the state of Colorado, and that they will well and truly perform the duties of their respective offices to the best of their skill and ability, together with such additional oath or affirmation as may in special cases be prescribed by this act or by ordinance; which said oath or affirmation shall be filed Officers shall subscribe an oath.

Bond of certain
officers.

with and preserved by the city clerk or such other person as the city council may by ordinance direct; and every officer of the said city, except the mayor, aldermen, and city attorney, shall before entering upon the duties of his office execute bond to the city of Denver in such sum as may be prescribed by ordinance, with sureties to be approved by the auditor except as to his own bond, which shall be approved by the mayor, conditioned for the faithful discharge of his duties, and for the payment in due time to the proper persons of all moneys that may come into his hands as such officer, and with such other conditions as may be prescribed by ordinance, which bonds shall be filed with and preserved by the city clerk, or such other person as the council may direct. For any breach of the conditions of said bonds, suits may be instituted by the city, or by any person claiming to have been injured by such breach. If any officer shall fail to take, execute and file such certificate of oath and such bond as herein required within twenty days of his election or appointment, the office to which he may have been elected or appointed shall be deemed vacant, and may be filled as provided by law.

Suit on the bonds,
by whom they
may be brought.

No money to be ex-
pended beyond
appropriation.

SEC. 31. The city council shall not order the payment of any money for any purpose whatever in excess of the amount appropriated for the current fiscal year, and at the time of said order remaining unexpended in the appropriation of the particular class or department to which such expenditure belongs. Neither the city council nor any officer of the city shall have authority to make any contract or do any act binding the city of Denver or imposing upon said city any liability to pay money until a definite amount of money shall have been appropriated for the liquidation of all pecuniary liability under said contract or in consequence of said act, and the amount of said appropriation shall be the maximum limit of the liability of the city under any such contract, or in consequence of any such act, said contract or action to be *ab initio* null and void as to the city for any other or further liability. Any member of the city council who shall knowingly vote for any appropriation of money or the making of any contract in violation of this act, or any officer of the city who shall knowingly do any act to impose upon the city any pecuniary liability in excess of

the authority in this act limited shall be guilty of a misdemeanor, and upon indictment and conviction, be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars or imprisonment in the county jail not less than one month nor more than one year, or by both such fine and imprisonment. If any officer of the city shall buy or sell any indebtedness of the city, or deal therein, during the time of his office, he shall be guilty of a misdemeanor, and be punished upon indictment and conviction by a fine of not less than one hundred dollars, nor more than one thousand dollars, or imprisonment in the county jail not less than one month, nor more than one year, or by both such fine and imprisonment.

Officer shall not buy indebtedness of city; penalty.

SEC. 32. All persons charged with the collection of money under the charter and ordinances of the city shall promptly pay the same over to the city treasurer under such penalty as may be prescribed by ordinance, and the treasurer shall issue duplicate receipts therefor, one of which shall be handed by the person receiving the same forthwith to the auditor, and the other shall be countersigned by the auditor before it shall be valid for any purpose in favor of the person receiving the same.

Persons charged with collecting money, shall promptly pay it over; duplicate receipts.

SEC. 33. In the election or appointment of officers by the city council authorized by this act, the vote of a majority of all the members of the council elect shall be necessary to such election or appointment.

Majority of all the council to elect officers.

SEC. 34. All bonds issued under the authority of this act, shall be signed by the mayor, attested by the clerk under the official seal of said city, and countersigned and registered by the auditor, and all coupons shall be signed by the city auditor.

Bonds how executed.

SEC. 35. The city council shall at least as early as their last regular meeting before such annual election, by ordinance, fix the salary and fees of all officers of the city, whose compensation is not fixed by law, for the ensuing year, and shall neither increase nor diminish the salary or fees of any officer during his term of office.

Salaries.

SEC. 36. The other officers and employes of the city not herein specifically enumerated, shall perform

Officers not herein provided for.

such duties, and upon such penalties for the neglect or violation thereof, as by this act or by ordinance may be prescribed.

District court shall
appoint examiners.

SEC. 37. It shall be the duty of the district court sitting in Arapahoe county, at the commencement of each regular term, to appoint three reputable freeholders of said city of Denver, all of whom shall be competent accountants, to examine the books, papers and vouchers of the city auditor and city treasurer of the city of Denver, and make report thereon to the court.

Offering bribe to
officers.

SEC. 38. Every person who shall promise, offer, or give, or cause or aid, or abet in causing to be promised, offered, or given, or furnish or agree to furnish, in whole or in part, to be promised, offered, or given, to any member of the city council, or any officer of the city corporation before or after his election or appointment as such officer, any moneys, goods, right in action, or other property, or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action, on any question, matter, cause or proceeding, which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding five years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court. Every officer who

Penalty.

Accepting bribe.

shall accept such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action, shall be influenced thereby, or shall be given in any question, matter, cause, or proceedings then pending, or which may by law be brought before him in his official capacity, shall upon conviction be disqualified from holding any public office, trust, or appointment under the city of Denver, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury, or in

Persons offending
is a competent
witness against
others.

any court, in the same manner as other persons; but the testimony so given shall not be used in any proceeding, civil or criminal, against the person so testifying.

SALARIES.

The city auditor shall receive the sum of twenty-five hundred dollars (\$2,500) per annum, payable monthly, out of the city treasury. Auditor. The city attorney shall receive the sum of twenty-five hundred dollars (\$2,500) per annum, payable monthly, out of the city treasury. Attorney. The city engineer shall receive a salary of three thousand dollars (\$3,000) per annum, payable monthly, out of the city treasury; and none of the officers mentioned in this section shall receive any other perquisites or fees whatsoever. Engineer.

ARTICLE V.

POLICE DEPARTMENT.

SECTION 1. There shall be and hereby is established a police department for the city of Denver, which shall consist of a chief of police, and such police officers as may be appointed from time to time, as hereinafter prescribed.

SEC. 2. The mayor shall be at the head of the police department, and shall superintend and direct the police generally, see that the several members of the department are prompt and faithful in the discharge of their duties, and from time to time take such measures as he may deem expedient for the preservation of the peace and good order and the enforcing of the laws and ordinances in the city. Mayor to be head of department.

SEC. 3. The mayor shall, when a vacancy occurs, or an increase of the police force is ordered by the city council, appoint a suitable person to fill said position of policeman upon the regular force, and it shall be the duty of the council to confirm said appointment, unless some one of the council shall reveal some fact to the council derogatory to the character of said appointee. Vacancies.

which would have a tendency to injure the service if he was confirmed, and if confirmed by the council, shall continue to serve until discharged as other policemen.

Chief of police.

SEC. 4. At the first meeting of the city council after the election and installation of a new mayor, the mayor shall, by and with the advice and approval of a majority of the aldermen elect, appoint a chief of police, to hold his said office during the term of office of the mayor appointing him, unless sooner removed for cause, as shall be determined by ordinance.

Powers and duties
of chief and mem-
bers of the force

SEC. 5. The duty of the chief of police, and of each member of the police force, shall be under the direction of the mayor, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace, to apprehend any and all persons in the act of committing any offence against the laws of the State, or the ordinances of the city, and forthwith bring such persons before the police magistrate, or other competent authority, for examination, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the city council may ordain, and may, upon view, arrest any person or persons who may be guilty of a breach of any of the ordinances of the city, or of any crime against the laws of the State, and are hereby empowered to serve all process issued by any police magistrate, or by any justice of the peace in criminal matters within the limits of the city. It shall be the duty of every police officer making an arrest, with or without process, of any offender against the laws of the State, to bring said offender forthwith before the police magistrate, if said court be then in session; if not, to confine said offender in the city jail until such time as he can be brought before such court, and then to deliver him up for trial or examination, which fact of delivery shall be noted in the proceedings of the court. Any police officer who shall fail in his duty as above set forth, without good cause therefor, or who shall turn over or deliver such offender to any sheriff, deputy sheriff, or constable, shall be immediately dismissed from service, and shall not be eligible for re-appointment upon the police force for one year thereafter.

SEC. 6. The chief of police and members of the regular police force shall receive such compensation in a fixed salary from the city for their services as the city council may, from time to time determine, and shall receive no other compensation whatsoever; and no policeman shall, while he is a member of the police force, be entitled to any fees as a witness in any prosecution in any court sitting in the city of Denver, against any person for violation of the criminal laws of this State, or the violation of any ordinances of the city council of the city of Denver. Salaries.

SEC. 7. The members of the regular police force shall be nominated by the mayor and confirmed by the vote of the majority of all the councilmen elect, and shall hold their positions during good behavior, unless removed by reduction of the force or for inefficiency or misconduct, such removals to be made in such manner as may be provided by ordinance. Mayor to nominate and council to confirm.
Removal.

SEC. 8. The mayor may, upon any emergency or riot, pestilence, invasion, or at any time when he shall deem it necessary for the peace, good order and health of the city, appoint special policemen for a specified time, not exceeding two days, without the approval of the city council. Mayor to appoint for not exceeding two days.

ARTICLE VI.

THE POLICE COURT.

SECTION 1. There is hereby created and established in the city of Denver a court entitled the police court of the city of Denver, which shall be a court of record, composed of a single judge, who may appoint a clerk. No person shall be eligible to the office of police judge unless he be learned in the law, and shall have been regularly engaged in the practice thereof for at least four years, be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided within the city of Denver for at least twelve months next preceding the time he shall enter upon the duties of the office. He shall receive a salary of two thousand four hundred dollars per annum, payable monthly, one-half Qualifications of Judge.
compensation.

out of the city treasury, and one-half out of the county treasury of Arapahoe county, and shall take the oaths of office prescribed by law, to be taken by other judicial officers in the State.

Jurisdiction.

SEC. 2. Said police court shall have original and exclusive jurisdiction of all misdemeanors committed within the city of Denver, and such other special jurisdiction as hereinafter stated, and all necessary power to carry into effect the jurisdiction given.

Powers.

SEC. 3. The said police court shall also have power to cause the arrest of all persons charged with felony, and hear evidence of their innocence or guilt, and to commit or discharge accused persons or admit to bail, if the offence be bailable, and take recognizances with surety for the appearance of persons held to bail, before the proper tribunal for trial. To hear all complaints for breaches of the peace, and require surety to keep the peace, and be of good demeanor, and commit persons of whom such surety is required to the city jail or work house until security be given. To hear and determine all complaints for breaches or violations of the ordinances of the city; also for violations of the penal laws of the State; and to impose such fines and penalties as may be prescribed by said ordinances or penal laws of the State; *Provided*, that in any case in which the penalty may be a fine of fifty dollars or more, or imprisonment for exceeding ten days, the party charged may have the intervention of a jury to find the fact of his guilt or innocence, upon depositing in court an amount of money sufficient to pay six jurors for one day's service, and the fees for summoning and impanelling a jury. Otherwise, all trials shall be by the court. The police judge shall be a general conservator of the peace within the said city; *Provided*, that nothing herein shall be construed to prevent any one from defending as a poor person.

Conservator of the Peace.**Appeals.**

SEC. 4. Appeals may be taken from all judgments of said court which shall impose a fine of fifty dollars or over, or imprisonment in the jail or work-house for twenty days or more; such appeals shall be taken to the criminal court or the court having general criminal jurisdiction within the county of Arapahoe where the case shall be tried *de novo*. But no such appeal shall be al-

lowed unless the party appealing shall pay all the costs accrued in the police court, and shall within five days execute a bond with good surety to be approved by the police judge, to the people of the State of Colorado, in such penal sum as may be fixed by the court, conditioned that he will duly prosecute such appeal and will pay off and satisfy any judgment that may be rendered upon the trial of said case in the court to which the appeal is taken, and that the defendant will surrender himself in satisfaction of such judgment. Upon the execution of such bond the judgment shall be superseded, and the original papers, together with a transcript of the record shall be certified to the court to which the appeal is taken. Action may be instituted upon such appeal bonds in the name of the city of Denver, or in the name of the people of the State of Colorado, according as the case appealed is for violation of the charter or ordinances of the city or of the penal laws of the State.

SEC. 5. The chief of police shall detail one or more ^{Bailiff.} competent policemen to act as bailiff of the police court, who shall attend upon the same, preserve order therein and perform such duties as the court or judge may require. The said court shall have power to impose fines, and commit persons to jail for contempt, the same as the criminal or district courts of the State; one-half of compensation of said officer to be paid by city, one-half by county.

SEC. 6. The police judge shall, at the end of each month, pay the city treasurer all moneys received by him for fines and penalties imposed for violations of the charter or ordinances of the city, and to the county treasury all moneys received for fines imposed for violation of the penal laws of the State not cognizable under the charter and ordinances of the city, and the said city and county treasurer shall execute due duplicate receipts thereof, one copy of which receipts, accompanied by a detailed statement showing the amount of fines imposed and collected in each case, verified by the oath of the judge and attested by the clerk of said police court, shall within five days be filed with the city auditor and the clerk of the county respectively. For a failure to make such payments and reports for ten days, the said

<sup>Fines to be paid in-
to the city treas-
ury.</sup>

Penalty for failure. police judge may be fined in any sum not exceeding one hundred dollars, and for knowingly making any false or fraudulent report, he shall be deemed guilty of a felony, and upon conviction thereof, shall be confined in the penitentiary of the State for any period not exceeding five years; the trial in either case to be had in the criminal court, or court having general criminal jurisdiction in the county of Arapahoe.

Clerk shall give bond. **SEC. 7.** The clerk of said police court shall execute a bond with surety to be approved, and take such oaths as are required by law in the case of clerks of district and criminal courts; he may administer oaths as clerks of district courts, appoint a deputy, and shall be subject to like fines and penalties, and may be proceeded against in the same manner for any neglect or violation of duty. **Salary of clerk.** He shall receive an annual salary of fifteen hundred dollars, one-half of which shall be allowed monthly, by the county commissioners, and paid out of the county treasury of the county of Arapahoe, and the other half by the city council, and paid out of the city treasury.

Expenses to be borne by city. **SEC. 8.** The cost and expenses for the necessary books, stationery, furniture, fuel and incidental expenses connected with said police court, including rent, shall be borne by the city.

Judge pro tem. **SEC. 9.** In case of the sickness, temporary absence from the city, or inability of the police judge, from any cause, to preside at any trial, the Governor of the State shall appoint some person possessing the requisite qualifications judge *pro tem.*, who shall hold said police court during the temporary absence or inability of the judge. Said judge *pro tem.* shall before entering upon the duties of his position, take the oath prescribed to be taken by the judge, and shall receive the same compensation for the time as said judge, to be paid in the same manner, and shall perform all the duties of said judge, and be subject to the same responsibilities and penalties.

Police force to execute writs. **SEC. 10.** It shall be the duty of the chief of police and of the members of the police force of the city of Denver, and he and they shall have power to execute all writs and processes issuing out of said court.

• SEC. 11. The said police judge and clerk of the police court, before entering upon the duties of their respective offices, shall each execute a bond to the people of the State of Colorado, in the penal sum of ten thousand dollars, conditioned for the faithful performance of official duty, and the due accounting and payment to the proper person of all moneys which may come into their hands by reason of the said office.

Bonds of judge and clerk.

ARTICLE VII.

FIRE DEPARTMENT.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or repaired without permission, and to direct that all and any buildings within the limits prescribed, shall be made or constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits.

Fire limits.

SEC. 2. The city council shall also have power:—

First. To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous.

Powers of council in guarding against fires.

Second. To prevent the deposit of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state, to be put in a safe condition.

Third. To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires.

Fourth. To regulate and prevent the use of fire-works and fire-arms.

Fifth. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Sixth. To authorize the mayor, alderman, police or other officers of said city to keep away from the vicinity

of any fire, all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat.

Seventh. The city council shall have power to regulate the size, number and manner of construction of the doors of theatres, audience rooms, and all buildings used for the gathering of large numbers of people, whether now built or hereafter to be built, so that there may be a speedy exit for the people in case of fire.

Eighth. And generally to establish such regulations by ordinances or otherwise for the prevention and extinguishment of fires, as the city council may deem expedient.

Ninth. To appoint and pay, during their pleasure, a competent number of able-bodied, reputable inhabitants of the city as firemen, to take the care and management of the engines and apparatus and implements used and provided for the extinguishment of fires.

Tenth. To procure steam fire engines, and other apparatus used for the extinguishment of fires.

Council to control
department.

SEC. 3. The city council of said city shall assume and exercise the entire control of the fire department of said city, and shall possess full power and authority over its organization, government, appointments and discipline within said city. It shall have the custody and control of the engine houses, hook and ladder houses, hose houses, engines, hose carts, trucks, ladders, horses, telegraph lines, fire alarms, and all other public property and equipments belonging to the fire department.

Members of depart-
ment.

SEC. 4. The fire department of said city shall consist of a chief engineer and one assistant chief engineer, and the members of the several fire companies, hook and ladder companies, and hose companies, who shall, under the direction of the city council, have the care and management of the engines, hose carts, hook and ladder trucks, apparatus, equipments, buildings and other property used and provided for the extinguishment of fires. The said chief engineer and assistant chief engineer shall

be elected by the said council in such way and manner as may be provided for by ordinance. It shall be the duty of the chief engineer to promulgate all orders of the mayor or city council, and it shall be the duty of the subordinate officers and firemen to respect and obey the said chief engineer, or in his absence, the assistant chief engineer, as the head and chief of the fire department, subject to the ordinances of said city.

SEC. 5. The duties of the respective members of the fire department shall be as defined by ordinance, and they shall be under the control and direction of the mayor and city council, and the said city council may impose reasonable forfeitures upon them for a violation of any ordinance pertaining to them or their duties, and for incapacity, neglect of duty, or misconduct, may remove them or any of them.

Duties of members defined by ordinance.

SEC. 6. In a riot or any sudden emergency occurring in the city, when the police force needs immediate assistance, or whenever the mayor may deem it necessary, the firemen by companies may be called to the assistance of the regular police, and when so employed they shall possess all the powers and privileges of the police, and to make this provision more effectual, the city council may furnish the firemen with necessary equipments and instructions to act in conjunction with the regular police.

When members to assist police.

SEC. 7. The said city council may require the assistant chief engineer of the fire department to act as fire warden. And while so acting it shall be his duty to examine all buildings and enclosures, to discover whether the same are in a dangerous state, and report to the city council all violations of the charter or ordinance of said city in relation to the prevention or extinguishment of fires.

Council may require assistant chief to act as fire warden.

SEC. 8. City council shall have power in its discretion to direct the chief engineer and his assistant to enquire into and investigate the cause of all fires which may occur in the city as soon as may be after they occur, and to keep a record of their proceedings, and of the evidence in such case. They shall have power to compel the attendance of any person in said city to testify on oath concerning any fire in said city, under such penalty

Council may require chief to investigate cause of fire, etc.

as the city council may provide, and they or either of them are hereby authorized to administer oaths to all such witnesses. They shall be required to use their utmost exertions in the discovery, arrest and conviction of all incendiaries, and to perform such other duties as the city council may prescribe.

Wardens, their duties and compensation.

SEC. 9. That there may be elected by the city council one or more fire wardens, who shall hold their office for one year next ensuing such appointment. It shall be their duty to see that all the ordinances of the city concerning the fire duty are enforced. They shall receive such compensation as may be allowed by the city council.

Mayor, aldermen and police officers are wardens *ex officio*.

The mayor, aldermen and police officers of said city are hereby declared fire wardens *ex officio*, and are hereby authorized and empowered to do and perform all the duties of fire wardens as the same are provided for by this act or may be defined by ordinance.

Salaries of chief and members.

SEC. 10. The city council shall pay to the chief engineer and assistant engineer, and all other employees of the fire department, such salary for their services as may be determined by ordinance, and shall also require that they give bonds conditioned for the faithful performance of their duties in such sums as may be determined by ordinance.

ARTICLE VIII.

OF OPENING AND IMPROVING STREETS, ETC.

Compensation to owner for opening.

SEC. 1. Whenever the city council shall by ordinance establish, open, widen or alter any street, lane, avenue, alley or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner thereof, the city of Denver shall make a just compensation therefor to the person whose property is so taken, the amount whereof shall be ascertained in the manner as provided by general law.

Two-thirds vote of council necessary to open.

SEC. 2. No action shall be taken to acquire title for the purpose contemplated in the preceding section, unless ordered by a two-thirds vote of all the aldermen elect.

SEC. 3. The mode of procedure in condemning land for the right of way to any street, lane, avenue or alley, shall be pursued in condemning the land or right of way for any ditch or canal which may be leased, owned or constructed by the said city, whether situated without or within the limits of the city. *Provided*, however, that the city council may prescribe by ordinance that the expense or any part thereof incurred in establishing, opening, widening or altering any street, lane, alley or public square shall be levied and assessed proportionately against the property benefited thereby.

Condemning land;
manner.

ARTICLE IX.

GENERAL TAXES.

SEC. 1. The city council shall have power and authority to levy taxes for city purposes upon all the taxable property, real, mixed and personal, within the limits of the city, not exceeding in the total levy for all purposes ten mills on the dollar upon the total assessment of said property by the county assessor of Arapahoe county.

SEC. 2. It shall be the duty of said county assessor each year, in making his return, to so designate the property situate within the limits of the city of Denver, that the county clerk and recorder of Arapahoe county may compute the total assessment within said city limits, to certify the same to the said city council as hereinafter provided.

County clerk to certify assessment to council.

SEC. 3. It shall be the duty of said county clerk and recorder, as soon as the assessment roll in each year is ready for the extension of taxes, to certify the total amount of property assessed within the city limits, to the city council, whereupon said city council shall immediately proceed to make the proper levies in mills upon the dollar valuation, to meet the expenses of the city, limited as above as to the total levy, and cause the total levy to be certified to the county clerk and recorder, who shall extend the same upon the tax list of the current year in a column headed, "Denver City Taxes," in the same manner as other county and state taxes are entered, car-

rying said city tax into the general total with said county and state taxes, and shall include said city taxes in his general warrant to the county treasurer for collection.

County treasurer to collect.

SEC. 4. It shall be the duty of the treasurer of said Arapahoe county, and he is hereby authorized and empowered to collect the said city taxes in the same manner and at the same time as the said county and state taxes are collected, and all laws of this state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption of the same, shall apply and have as full effect for the collection of taxes for the city of Denver as for such general taxes, except as modified by this act. The said county treasurer shall at the close of every month and oftener, if the city council so determine by ordinance, pay over to the city treasurer of Denver, all moneys so by him collected, taking the city treasurer's receipt in duplicate therefor, and report the same forthwith to the city auditor with such receipt. The said county treasurer shall give bond to the said city of Denver in such penal sum as the city council may by ordinance determine, with two or more good and sufficient sureties, to be approved by the city council, for the faithful performance of his duties under this act.

Bond of county treasurer to city.

City shall pay county officers for work imposed by this act.

SEC. 5. The city council shall in each year make such allowance, to be paid out of the general fund to the said county officers, as shall be a reasonable and just compensation for the extra labor imposed upon said officers by this act, not exceeding in amount the fees allowed by law for like services, and shall also make an allowance to be paid out of the general fund to the county of Arapahoe, for the city's proportion of the expenses of advertising the sale of lands for delinquent taxes in each year, and the amount to be certified to the city council by the clerk and recorder of said county.

ARTICLE X.

CHERRY CREEK.

Council may change channel of Cherry Creek and create a new one.

SECTION 1. The city council of Denver shall have power and authority to provide for the changing and turning the channel and bed of Cherry Creek by the con-

struction of a dam, breakwater or levee or all or any of them across the old bed and bottom land of the creek, and by the excavation and maintenance of a new channel, canal or ditch upon such line outside of the territorial limits of the congressional grant to the said city, as the city council shall deem most feasible, so as to direct the flow of water from the natural channel of said creek or from such part of said channel as may be designated by said city council.

Council may change channel of Cherry Creek and create a new one.

SEC. 2. Before the city council shall provide for changing and turning said creek as provided for in the preceding section, the city council shall cause surveys of the proposed change to be made, as well as estimates of the cost of such change by each route or line surveyed, and shall adopt such survey or line for such new channel, canal or ditch as shall seem most desirable.

Surveys of proposed channels to be made.

SEC. 3. After the adoption of the line of such new channel, canal or ditch as is provided for in this act, and after the money required for changing the channel of said creek shall have been provided or raised, or after the proposition of contracting any indebtedness for the purpose of changing said channel shall have been submitted to a vote of the people and carried as by this act is provided and required, the city council may proceed in the name of the city of Denver to acquire the right of way for such channel, canal or ditch, dam, breakwater or levee, and if necessary may proceed to condemn such lands as may be requisite for the said new channel, canal, ditch, dam, breakwater or levee.

City may acquire right of way.

SEC. 4. The city council shall have power to make and construct said new channel, ditch, dam or breakwater, or levee, either in whole or in part outside the corporate limits of the city of Denver, and any appropriations or expenditures of money from the city treasury, made by the city council for the purpose of this act shall be lawful although expended for work done outside of or for materials to be used outside of or beyond the corporate limits of the city.

May construct new channel outside of city limits; expenditure therefor legal.

SEC. 5. Proceedings for the condemnation of the right-of-way for said new channel, canal or ditch, as also proceedings for the condemnation and appropriation of

Condemnation proceedings.

the strip of land described in this article and the assessment of the damages therefor, shall be had in the manner and under the conditions now provided by law.

New channel a public one; old one not public.

SEC. 6. Said new channel when so fully constructed and completed and its success assured by the waters of said stream running and being discharged through the same shall become the property of the public for all intents and purposes as fully and completely as though said new channel and the waters flowing and to flow therein were the original and natural stream of said creek; *Provided*, that the said old channel of said creek, from and below the point of its change to the new channel, upon being taken and the lands included therein condemned as provided for in this act, shall be and the same is hereby declared to be fully acquit and discharged as a natural stream, as the property of the public.

ARTICLE XI.

CONCERNING SEWERS.

SECTION 1. That the city council of the city of Denver have the right to establish and maintain a sewer system which shall be divided into three classes, viz: "public," "district" and "private" sewers.

Boundaries of public sewers.

SEC. 2. Public sewers shall be established on or running parallel with Wazee street at such times, to such extent, of such dimensions and materials and under such regulations as may be provided by ordinance by the city council, and there shall be constructed such branches to sewers already constructed, or to be constructed, as may be considered expedient by said council; *Provided*, that no sewer shall be run diagonally through private property when it is practicable to construct it parallel with lines of such property, nor shall any public sewers be constructed through private property when it is practicable to construct it along a street or alley or public highway. An appropriation shall be made to meet the cost of each public sewer from the public revenue.

District sewers; where established, etc.

SEC. 3. District sewers shall be established within the limits of districts to be prescribed by ordinance by

the city council, and so as to connect with a public sewer or some natural source of drainage, such district shall be sub-divided, enlarged or changed by the city council by ordinance at any time previous to the construction of such sewer. The city council shall cause sewers to be constructed in any district whenever a majority of the property holders thereof shall petition therefor, or whenever the board of health recommend the same as necessary for sanitary reasons, and said recommendation is approved by the city council, and the character, dimensions and material for such sewer, shall be prescribed, and may be changed, diminished, enlarged or extended by ordinance; and such sewer shall possess all requisite laterals, inlets, manholes and other appurtenances. As soon as a district sewer with its inlets, manholes and appurtenances is fully completed, the city council shall cause the city engineer to compute the whole cost thereof, and the city assessor shall assess the amount as a special tax against all the lots of ground in the district, respectively, without regard to improvements, and in proportion as to their respective areas bear to the area of the whole district, exclusive of the public highways, and the council shall cause to be made a certified bill of such assessments against each lot in the district in the name of the owner, if known, which shall be collected and paid in the same manner as all other city taxes.

SEC. 4. Private sewers connecting with the district sewers shall be constructed under such restrictions and regulations as the council may prescribe by general or special ordinance, but the city shall be at no expense in the construction, repairing or cleaning of the same. The city engineer shall in all cases, except in case of necessary repairs requiring prompt attention, prepare and submit to the council, estimates of cost of any proposed work, and under the direction of the council, who shall advertise for bids and let out said work by contract to the lowest responsible bidder. Any other mode of letting out work shall be held as illegal and void. No surety on any bond shall be taken unless he shall pay taxes on and own property equal in amount to his liability on all bonds on which he may be surety to the city, and no contract shall be made under this section without a bond for its faithful performance with at least two sufficient

Private sewers to be constructed as council direct.

Engineer to submit estimates.

Bond of contractor.

Appropriations for work.

Council to investigate when complaint is made.

Contractor to pay expense when complaint is well founded.

No public sewer except by vote of the public.

sureties to be approved by the said city council. Every ordinance requiring such work to be done shall contain a specific appropriation from the proper revenue and fund based upon an estimate of costs for the whole of the cost of each district or part of district or other subdivision respectively, and every contract shall contain a clause to the effect that it is subject to the provisions of the charter, that the aggregate payments thereon shall be limited by the amount of such specified appropriation and that on ten days' notice the work under said contract may without cost or claim against the city be suspended by said council for want of means or other substantial cause; *Provided*, that on the complaint of any citizen and tax payer that any public work is being done contrary to contract, or the work or material used is imperfect or different from what was stipulated to be furnished or done, the said council shall examine into the complaint and may appoint three commissioners to act with the council committee on sewers, to examine and report on said work, and after such examination, or after considering the report of said commissioners, they shall make and order in the premises as shall be just and what the public interest seems to demand, and such decisions shall be binding on all parties. The cost of such examination shall be borne by the contractor if such complaint is decided to be well founded, and by the complainant if found to be groundless.

SEC. 5. *Provided*, that no public sewers shall be constructed under the provisions of this act until the question of constructing the same shall first have been submitted to a vote of such of the taxpayers of the city as are legal voters, approved by a majority thereof.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

This act a public act.

SECTION 1. This act is hereby declared to be a public act and may be read in evidence in all the courts of law and equity within this State without proof.

Repeal of former acts.

SEC. 2. An act to reduce the law incorporating the City of Denver, and the several amendments thereto into one act and to revise and amend the same, approved

April 6, A. D. 1877, and an act to amend the same, approved February 19, 1879, are hereby repealed; but nothing contained in this act shall in any manner affect or impair any proceeding had or done under the acts to which this is an amendment, or any rights or privileges acquired under said acts, and this act may be repealed, altered or amended by the General Assembly at any time hereafter.

SEC. 3. Inasmuch as the public interest requires that the city council should at once, and other officers in this act mentioned should at once have the right to exercise certain new powers mentioned in this act, an emergency *Emergency.* exists requiring this act to take effect immediately, therefore this act shall take effect and be in force from and after its passage.

Approved February 13, 1883.

AN ACT

TO ENABLE THE CITY OF PUEBLO TO REFUND ITS WATER BONDS.

WHEREAS, the city of Pueblo, by virtue of an act, entitled, "An Act to amend an Act entitled Towns and Cities," approved February 11, A. D. 1874, issued on June 10, A. D. 1874, bonds to the amount of one hundred and twenty thousand (120,000) dollars for the purpose of supplying said city with water; said bonds bearing interest at the rate of eight per cent. per annum payable semi-annually and being due and payable in ten annual installments of twelve thousand (12,000) dollars each, the first installment falling due on June 10, A. D. 1884; and

WHEREAS, It is to the best interests of the said city of Pueblo that the city council thereof should be empowered to refund such water bonds by the issue of new bonds for such purpose; therefore

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. It shall be lawful for the city council of the city of Pueblo to refund its water bonds, issued June

10, A. D. 1874, by the issue of new bonds for such purchase; said new bonds to be made payable at such time or times, in such manner, and to bear interest at such rate as the said city council shall determine; *Provided*, the said rate of interest shall not exceed eight per cent. per annum.

Approved February 11, 1883.

AN ACT

TO REGULATE THE WORKING AND INSPECTION OF COAL MINES.

Be it enacted by the General Assembly of the State of Colorado:

Owner or agent
shall purchase a
plan or map show-
ing the workings.

SECTION 1. That the owner or agent of each coal mine or colliery in this State employing ten or more men, shall make, or cause to be made, within six months after the passage of this act an accurate map, or plan, of the workings of such coal mine or colliery, on a scale not exceeding one hundred feet to the inch and showing the bearings and distances of the workings with the general inclination of the strata and any material deflection in said workings, and the boundary lines of said coal mine or colliery, which shall be kept for the use of the inspector at the office in the county where such coal mine or colliery is located, and which shall be kept up every three months, and deposit a true copy of such map or plan with the inspector of coal mines to be filed in his office; and said owner or agent shall cause, on or before the tenth day of January in every year, a statement of the workings of such coal mine during the year past, from the last report to the end of the December month just preceding, to be marked on the original map or plan of the said coal mine or colliery; *Provided*, if the owner or agent of any coal mine shall neglect or refuse, or from any cause fail for the period of one month after the time prescribed to furnish the said map or plan, as hereby

required, or if the inspector shall find or have reason to believe said map or plan is inaccurate in any material part he is hereby authorized to cause a correct map or plan of the actual workings of said coal mine to be made at the expense of the owner thereof, the cost of which shall be recoverable from said owner as other debts are recoverable by law; *Provided*, that if the map or plan claimed to be incorrect, shall prove to be correct in all material points then aforesaid expenses shall be paid by the said inspector and may be recovered from him in like manner.

SEC. 2. It shall not be lawful after six months from the passage of this act for the owner or agent of any coal mine wherein over fifteen thousand square yards have been excavated to employ or permit more than fifteen persons to work therein, except in opening shafts or outlets, unless there are to every seam of coal worked in each mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress or egress are always available to the persons employed in the mine, and air shafts in which are constructed and maintained ladder ways shall be deemed and held to be an escape shaft within the provisions of this act, and no escape shaft shall be required; but it is not necessary for the two outlets to belong to the same mine; the second outlet need not be made until fifteen thousand square yards have been excavated in such mine, and to all other coal mines, whether opened and worked by shafts, slopes or drifts, two such openings or outlets must be provided within twelve months after fifteen thousand yards have been excavated therein; and in case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of such mine to permit more than fifteen persons to work therein at any one time. In case a coal mine has but one shaft, slope or drift for the ingress or egress of the men working therein, and the owner thereof does not own suitable surface ground for another opening, he may select and appropriate any adjoining land for that purpose, and for approach thereto, and shall be governed in his proceeding in appropriating such land by the provisions of law in force providing for the appropriation of private property by corporations,

Not more than fifteen men to be employed, unless, etc.

and such appropriation may be made whether he is a corporator or not, but no land shall be appropriated under the provisions of this act until the court is satisfied that suitable premises cannot be obtained by contract upon reasonable terms. Escapement shafts or other communication with a contiguous mine as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such coal mine or colliery as provided herein.

Speaking tubes to
be provided.

SEC. 3. In all cases where the human voice cannot be distinctly heard, the owner or agent shall provide and maintain a metal tube from the top to the bottom of the slope or shaft, or telephone connection suitably adapted to the free passage of sound, through which conversation may be held between persons at the bottom and at the top of the shaft or slope, also the ordinary means of signaling to and from the top and bottom of the shaft or slope; and in the top of every shaft an approved safety gate and an approved safety catch and sufficient cover overhead on every carriage used for lowering and hoisting persons; and the said owner or agent shall see that sufficient flanges or horns are attached to the sides of the drum of every machine that is used for lowering and hoisting persons in and out of the mine; and also that adequate brakes are attached thereto; the main link attached to the swivel of the wire rope shall be made of the best quality of iron and shall be tested by weights satisfactory to the inspector of mines of the State; and bridle chains shall be attached to the main link from the cross pieces of the carriage; and no single link chain shall be used for lowering or raising persons into or out of said mine; and not more than five persons for each ton capacity of the hoisting machinery used at any coal mine shall be lowered or hoisted by the machinery at any one time.

Ventilation.

SEC. 4. The owner or agent of every coal mine whether shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation of not less than 100 cubic feet per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute, render harmless and repel the poisonous and noxious gases from

each and every working place in the mine and break-throughs or air-ways shall be driven as often as the inspector of mines may order at the different mines inspected by him and all break-throughs or air-ways except those last made near the working faces of the mine shall be closed up and made air tight by brattice, trap doors or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the mine where the persons employed in such mine are at work; and all mines governed by this statute shall be provided with artificial means of producing ventilation when necessary to provide a sufficient quantity of air, such as fanning or suction fans, exhaust steam furnaces, or other contrivances of such capacity and power as to produce and maintain an abundant supply of air; but in case a furnace shall be used for ventilating purposes, it shall be built in such a manner as to prevent the communication of fire to any part of the works, by lining the upcast with incombustible material for a sufficient distance up from the said furnace. All mines generating fire-damp shall be kept free from standing gas, and every working place shall be carefully examined every morning with a safety lamp by a competent person or persons before any of the workmen are allowed to enter the mine; and the person making such examination shall mark on the face of the workings the day of the month; and in all mines whether they generate fire-damp or not, the doors used in assisting or directing the ventilation of the mine shall be so hung and adjusted that they will shut up of their own accord and cannot stand open; and the owner or agent shall employ a practical inside overseer to be called a "Mining Boss," who shall keep a careful watch over the ventilating apparatus, and the air-ways, traveling ways, pumps and timbers, also drainage; also shall see that the miners advance their excavations, also that all loose coal, slate and rock overhead are carefully secured against falling in or upon the traveling ways and that sufficient timber of suitable lengths and sizes is furnished for the places where they are to be used and placed in the working places of the mines, and he shall measure the ventilation at least once a week, at the inlet and outlet, and also at or near the face of all the entries and the measurement of air so made shall be noted on blanks furnished by the

mine inspector; and on the first week day of each month the "Mining Boss" of each mine shall sign one of such blanks properly filled and forward the same by mail to the mine inspector, a copy of which shall be filed at the office of the coal company, subject to inspection by the miners.

Competent men to
have charge of
machinery for
lowering men.

SEC. 5. No person shall knowingly be employed as an engineer or take charge of any machinery or appliance whereby men are lowered into or hoisted out of any mine, but an experienced, competent and sober person; and no person shall ride upon a loaded wagon or cage used for hoisting purposes in any shaft or slope. No young person under twelve years of age, or woman or girl of any age shall be permitted to enter any coal mine to work therein, nor any minor under the age of sixteen years unless he can read and write.

Safety lamps.

Meaning of 'owner.'

SEC. 6. All safety lamps used for examining coal mines shall be the property of the owner of the mine, and shall be under the charge of the agent thereof. The term "owner" in this act shall mean the immediate proprietor, lessee or occupier of any coal mine or colliery, or any part thereof; and the term "agent" shall mean any person having, on behalf of the owner as aforesaid, the care and management of any coal mine or colliery, or any part thereof.

Boilers inspected.

SEC. 7. All boilers used in generating steam in and about coal mines and collieries shall be kept in good order, and the owner or agent as aforesaid shall have said boilers examined and inspected by a competent boiler-maker or other well qualified person as often as once every six months, and the result of every such examination shall be certified in writing to the mining inspector; and every steam boiler shall be provided with a proper steam gauge, [guage] water gauge [guage] and safety valve; and all underground self-acting or engine planes or gangways on which coal cars are drawn and persons travel shall be provided with some proper means of signalling between the stopping places and the ends of said planes or gangways; and sufficient places of refuge at the sides of such planes or gangways shall be provided at intervals of not more than fifty feet apart; and there shall be cut in the side of every hoisting shaft, at the

bottom thereof, a traveling way sufficiently high and wide to enable persons to pass the shaft in going from one side of the mine to the other without passing over or under the cage or hoisting apparatus.

SEC. 8. Whenever loss of life or serious personal injury shall occur by reason of any explosion or of any accident whatsoever in or about any coal mine or colliery, it shall be the duty of the owner or agent thereof to give notice to the mine inspector, and if any person is killed thereby, to the coroner of the county also, and the inspector shall immediately go to the scene of said accident and render such assistance as he may deem necessary for the safety of the men, and shall ascertain by the testimony before the coroner or by taking other evidence, the cause of such explosion or accident, and file record thereof in his office.

Duty of owner in cases of explosion.

SEC. 9. In all coal mines in the State, the miners employed and working therein, the owners of the land, or other person interested in the rental or royalty of any such mine, shall at all proper times have full right of access and examinations of all scales, machinery or apparatus used in or about such mine; to determine the quantity of coal mined for the purpose of testing the accuracy of all such scales, machinery or apparatus, and such land owners or other persons may designate or appoint a competent person to act for them, who shall at all proper times have full right of access and examination of such scales, machinery or apparatus, and seeing all weights and measures of coal mined, and the accounts kept of the same; but not more than one person, on behalf of the land owners or other persons interested in the rental or royalty jointly, shall have such right of access, examination and inspection of scales, weights, measures and accounts at the same time, and that such persons shall make no unnecessary interference with the use of such scales, machinery or apparatus; and the miners employed in any mine may, from time to time, appoint two of their number to act as a committee to inspect, not oftener than once in every month, the mine and the machinery connected therewith, and to measure the ventilating current, and if the owner, agent or manager so desires, he may accompany said miners by himself or

Who shall have access to the mines.

two or more persons whom he may appoint for that purpose. The owner, agent or manager shall afford every necessary facility for making such inspection and measurement, but the said miners shall not in any way interrupt or impede the work going on in the mine at the time of such inspection and measurement.

Miners and work-
men may be fined;
when.

SEC. 10. Any miners, workmen or other person who shall intentionally injure any shaft, lamps, instrument, air course or brattice, or obstruct or throw open air ways, or open a door and not close it again, or carry lighted pipes or matches into places that are worked by safety lamps, or handle or disturb any part of the machinery, or enter any place of the mine against caution, or who intentionally and wilfully neglects or refuses to securely prop the roof of any working place under his control, or disobey any order given in carrying out the provisions of this act, or do any other act whereby the lives or the health of persons, or the security of the mines or machinery is endangered, shall be deemed guilty of a misdemeanor, and may be punished by fine or imprisonment at the discretion of the court.

When the inspect-
or may enjoin
from working.

SEC. 11. In case any owner or agent disregards the requirements of this act, any court of competent jurisdiction may, on application of the inspector, by civil action in the name of the State, enjoin or restrain the owner or agent from working or operating such mine with more than twelve miners underground at one time, until it is made to conform to the provisions of this act; and such remedy shall be cumulative, and shall not take the place of or effect any other proceedings against such owner or agent authorized by law for the matter complained of in such action.

Liability of owner,
lessee or opera-
tor for injuries to
persons or prop-
erty.

SEC. 12. For any injury to person or property occasioned by any violation of this act, or any wilful failure to comply with its provisions by any owner, lessee or operator of any coal mine or opening, a right of action against the party at fault shall accrue to the party injured for the direct damage sustained thereby, and in any case of loss of life by reason of such violation or wilful failure, a right of action against the party at fault

shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of damages for the injury they shall have sustained.

SEC. 13. The provisions of this act shall not apply to or effect any coal mine in which not more than twelve men are employed under ground at the same time; but on the application of the proprietor of or miners in any such mine, the inspector shall make, or cause to be made, an inspection of such mine, and shall direct and enforce any regulations in accordance with the provisions of this act that he deems necessary for the safety and health of miners.

Not to apply when less than twelve men are employed.

SEC. 14. Within four months of the date of the passage of this act the judges of the district courts shall appoint four reputable coal miners of known experience, and practice at the time, and the Governor shall appoint one mining engineer of like repute and experience, and practice at the time, who shall constitute a board of five examiners, whose duty it shall be to inquire into the character and qualifications of candidates for the office of inspector of mines, under the provisions of this act. The examiners first appointed in pursuance of this section shall meet in the city of Denver on the 20th day of July next, and after being duly organized, having taken and subscribed before any officer duly authorized to administer the same the following oath, namely: We the undersigned do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for appointment as inspector of coal mines, to the best of our abilities, and that in recommending or rejecting said applicants, we will be governed by the evidence of qualifications to fill the position under the law creating the same, and not by any consideration of political or personal favors; that we will certify all whom we may find qualified according to the true intent and meaning of the act, and none others, to the best of our judgments, shall proceed to the examination of those who may present themselves as candidates for said office; and they shall certify to the Governor the names of all such applicants as any four of the examiners shall find competent to fill the office, under the provisions of this act, which shall be filed in the office of the Secretary of State. The qualifications of candidates

Board of examiners, how appointed.

Duties.

Qualifications.

for said office of inspector of mines to be inquired into and certified by said examiners shall be as follows, namely: They shall be citizens of the United States, of temperate habits, of good repute as men of personal integrity, shall have obtained the age of thirty years, and shall have had at least one year's experience in the working of the coal mines of Colorado, and five years of practical experience in the workings of coal mines in the United States, and have a practical knowledge of mining engineering, and of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines, particularly fire damp. The board of examiners shall receive six dollars per day, and the same mileage as is allowed to members of the legislature, to be paid out of the State treasury upon the filing of the certificates of the examining board in the office of the secretary of state, as hereinbefore provided. The Governor shall, from the names so certified, appoint the person possessing the best qualifications to be inspector of coal mines, whose commission shall be for the term expiring January 1, 1887, or until his successor is appointed and confirmed by the Senate. As often as vacancies in said office of inspector of mines shall occur by death, resignation or malfeasance in office, which shall be determined in the same manner as in the case of any other officer of the State government, the Governor shall fill the same by appointment for the unexpired term, from the names on file in the office of the secretary of state, as hereinbefore mentioned as having passed examination. Every four years from January 1st, A. D., 1883, the Governor shall appoint one mining engineer as before, and shall notify the judges of four of the judicial districts of the State containing coal mines selecting them in such order as to allow each district an equal share of such appointments, each to appoint one miner, and the five so appointed shall constitute a new board of examiners, whose duties, term of service and compensation shall be the same as those provided for by this section, and from the names that may be certified by them the Governor shall appoint the inspector of mines provided for in this act; nothing in this act shall be construed to prevent the re-appointment of any inspector of coal mines. The inspector of coal mines shall receive for

Compensation.

Term of office.

Salary of inspector.

his services an annual salary of two thousand dollars, and five cents per mile mileage for all distances traveled in the discharge of his official duties, to be paid quarterly by the State treasurer, and said inspector shall reside in the State and shall keep an office at the Capitol or other building in which the offices of the State are located. Each inspector is hereby authorized to procure such instruments and chemical tests and stationery from time to time, as may be necessary to the proper discharge of his duties under this act, at the expense of the State, which shall be paid by the State treasurer upon accounts duly certified by him and audited by the proper department of the State, all instruments, plans, books, memorandas, notes, *et cetera* pertaining to the office shall be the property of the State, and shall be delivered to their successors in office.

SEC. 15. The inspector of coal mines shall before entering upon the discharge of his duties give bond in the sum of five thousand dollars, with sureties to be approved by the judge of the district court in which he resides, conditioned for the faithful discharge of his duty and take an oath (or affirmation) to discharge his duties impartially and with fidelity to the best of his knowledge and ability. Bond of Inspector.

SEC. 16. No person acting as a manager or agent of any coal mine, or as a mining engineer for any coal mining company, or to be interested in operating any coal mine, shall at the same time act as an inspector of coal mines under this act. No one interested shall act as inspector.

SEC. 17. The inspector of coal mines shall devote the whole of his time to the duties of his office; it shall be his duty to enter into and thoroughly examine all coal mines in this State in which more than twenty men are employed, at least once each quarter, to see that all the provisions of this act are observed and strictly carried out, and the inspector may enter, inspect and examine any coal mine in the State, and the works and machinery belonging thereto at all reasonable times, by night or day, but so as not to unnecessarily obstruct or impede the working of the mine, and the owner or agent of such mine is hereby required to furnish the means necessary for such entry and inspection; of which inspection the Inspector shall devote the whole of his time.

inspector shall make a record to be filed in his office, and which shall show the number of mines and development on the same during the past year, and of persons employed in and about each mine, and the extent to which the law is obeyed, the progress made in the improvement sought to be secured by the passage of this act, the number of accidents and deaths resulting from injuries received in the mines, as also statistics showing the output of coal and development made annually at each mine, with all facts concerning the production and transportation of coal to market, and other facts of public interest coming under the provisions of this act, which record shall on or before the first Monday of November preceding the biennial sessions of the legislature, be filed in the office of the Secretary of State to be by him included in the biennial report of his department.

Penalty for refusing to comply with this act.

SEC. 18. The neglect or refusal to perform the duties required to be performed by any section of this act, or the violation of any of the provisions hereof shall be deemed a misdemeanor, and shall upon conviction be punished by fine of not less than one hundred dollars nor exceeding five hundred dollars, at the discretion of the court, and all penalties recovered under this act shall be paid into the treasury of the State.

Approved February 24, 1883.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT PROVIDING A SYSTEM OF PROCEDURE IN CIVIL ACTIONS IN THE COURTS OF JUSTICE OF THE STATE OF COLORADO," APPROVED MARCH 17, 1877, AND TO FURTHER AMEND A CERTAIN AMENDED SECTION, AND TO REVIVE AND AMEND A CERTAIN REPEALED SECTION THEREOF.

Be it enacted by the General Assembly of the State of Colorado:

Sec. 53, amended.

SECTION 1. Section fifty-three of said act is hereby amended so as to read as follows: "The defendant may

demur to the whole complaint or to one or more of several causes of action stated therein, and answer the residue, or may demur and answer at the same time; *Provided*, that a demurrer and answer shall in no case be filed at the same time to the same cause of action; but demurrers must be disposed of before any other pleading to the same cause of action shall be filed. Upon the determination of any demurrer or motion to strike out the whole or any part of any pleading of fact in any cause originally brought in any district court, the unsuccessful party should be adjudged to pay not less than five dollars, nor more than ten dollars, into court for the use of the successful party, and the same shall be actually paid before such unsuccessful party shall be permitted to proceed any further in the prosecution or defense of said case, and neither party nor the court shall have power to waive or remit such payment unless such unsuccessful party shall have been or shall be, upon sufficient showing, permitted to prosecute or defend as a poor person. Every such sum paid into court, if not claimed by the party or parties entitled thereto, or their attorney, within thirty days after such payment, shall be deemed a fine to the county, and shall be so reported and paid over by the clerk, as in the case of other fines and penalties.

Defendant may demur to whole or part of a complaint.

Unsuccessful party to pay not less than five nor more than ten dollars.

SEC. 2. Section ninety-nine of said act having been heretofore repealed, is hereby revived, re-enacted and amended so as to read as follows: Revives section 99.

Section 99. In all cases of attachment any person other than the defendant, claiming any of the property attached, on any lien thereon, or interest therein, may intervene without giving bail, but the property attached shall not thereby be replevined or released. Such intervention shall be by verified petition stating the right or interest which the intervenor claims in or to such property, and the same may be filed in said cause at any time before the trial of the cause upon its merits, and as soon as notice of the intervention shall be given to the interested parties to the action or their attorneys, with reasonable opportunity to them to defend against the same, the same shall be tried as follows: If the intervenor claim the absolute title or ownership to the property either party shall be entitled to trial by jury, but if

Person claiming property may interplead.

the claim be by mortgage or some interest less than full title or ownership the trial be by the court unless the court shall direct an issue to a jury. In case the verdict or finding shall be for the intervenor the damages which he has suffered by reason of the attachment of the property, may be assessed in such verdict or findings, and the intervenor shall recover the same together with his costs of the plaintiff in the attachment, and the court shall render such judgment in reference to the attached property as will secure the right of the intervenor thereto or therein according to such verdict or finding; and in case the verdict or finding shall be for the plaintiff he shall recover costs against such intervenor; and the court may require the intervenor to give security for costs for like causes and in like manner as plaintiff may be required to give security for costs in civil actions.

SEC. 3. Section one hundred and fifty-nine of said act is hereby amended so as to read as follows:

Jurors, how drawn.

Section 159. For the trial of a civil action by jury the jurors shall be drawn by chance from the whole number summoned and in attendance, except those who may be engaged in considering any other cause. Six persons shall constitute the jury, unless the parties consent to a less number, or the court in its discretion allows a greater number not exceeding twelve.

Emergency.

SEC. 4. Inasmuch as an emergency exists this act shall take effect from and after its passage.

App roved February 15, 1883.

AN ACT

TO AMEND THE LAW IN REGARD TO CORPORATIONS FOR CHARITABLE PURPOSES.

Be it enacted by the General Assembly of the State of Colorado:

May increase number of directors.

SECTION 1. That any corporation organized under the laws of this State for any charitable purpose, shall

have power to amend its articles of association so as to enlarge or diminish the objects of its charity, or increase or diminish the number of its directors, trustees or managers.

SEC. 2. Before any such change in the articles of association of any such corporation shall be made, the question of the proposed change shall be submitted to the stock-holders or members of the corporation at the annual meeting thereof, or at a special meeting called for that purpose, and of which notice shall have been served personally upon each member of the corporation or transmitted to the last known place of residence of such stock-holder through the mails, at least thirty days before the meeting at which the proposed change is to be submitted.

Stockholders to determine.
Notice of meeting.

SEC. 3. If at the meeting at which the question is submitted, those holding two-thirds of the shares of stock shall approve the proposed change, the president and secretary, or other officer authorized by the board of directors or managers in that behalf, shall make a certificate setting forth the proposed change and the result of such vote of the stock-holders, and the same being filed in the office or offices in which the original articles of association are filed, the same shall thereupon take effect. At any such meeting any member may vote by proxy.

Requires two-thirds vote to change.

SEC. 4. The by-laws of any such charitable corporation organized under the laws of this State may declare the number of trustees or managers necessary to constitute a quorum at any meeting of the board.

By-laws to declare number necessary to quorum.

SEC. 5. Inasmuch as there are divers corporations organized for charitable purposes in this State, in the organization of which it is deemed advisable to effect a change in the respect mentioned in this act, therefore in the opinion of the general assembly an emergency exists within the meaning of the 19th section of the 5th article of the constitution of this State, it is declared that this act shall take effect and be in force from and after its passage.

Emergency.

Approved March 12, 1883.

AN ACT

TO REPEAL SECTION FOUR OF AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 19 OF THE GENERAL LAWS OF THE STATE OF COLORADO, ENTITLED CORPORATIONS," APPROVED FEBRUARY 8, 1879.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That section four of an act entitled "An Act to amend Chapter 19 of the General Laws of the State of Colorado, entitled Corporations," approved February 8, 1879, be, and the same is hereby repealed.

Approved February 15, 1883.

AN ACT

TO AMEND CHAPTER NINETEEN OF THE GENERAL LAWS, ENTITLED "AN ACT FOR THE FORMATION OF CORPORATIONS."

Be it enacted by the General Assembly of the State of Colorado :

Railroads may carry on the express business.

SECTION 1. Every railroad corporation created or existing under the laws of this State, shall have the right to transact the express business over its line of railway and along its route, and the right to assume the custody and control over all express matters and freight which shall be carried by it over its lines of railway upon its passenger trains; and that if any such railroad corporation shall exercise the right herein conferred, it shall establish and maintain an agency at every station at which it stops its passenger trains along and upon the line of its railroad for the purpose of their receiving and delivering such express freight there shipped or consigned, and for the transaction of such express business.

SEC. 2. It shall be in the option of the said company to enter into any contract with any company, corporation or association of persons which is or may be engaged in the transaction of the express business to allow such other corporation, company or association of persons the rights, privileges and facilities for the transaction of express business upon the cars, which the said railroad corporation shall operate or own its said line of railway within this State, but no such railroad corporation shall enter into any such contract or agreement unless the same shall provide that such other company, corporation or association shall keep and maintain an agency at every station upon the line of the said railroad within this State for the shipping and delivering of such express freight and matter, and the transaction of its usual express business, at such place, and any express company, corporation or association doing business in this State shall be subject to such laws as shall be enacted regulating rates of transportation of property by it.

May transfer said business to any person or company.

SEC. 3. No railroad corporation transacting its own express business as aforesaid, nor any other company, corporation or association of persons which may transact the express business over such line of railway, shall charge, demand or receive from any shipper more than double first-class freight rates as they now exist, for the transportation of any such express freight or matter upon the line of its railroad or passenger trains, and all individuals, associations and corporations shall have equal rights to have their express freight and matter transported over such railroad in this State.

Express rates shall not exceed double freight rates.

Approved March 2, 1883.

AN ACT

TO AMEND CHAPTER NINETEEN OF THE GENERAL LAWS, ENTITLED, "AN ACT FOR THE FORMATION OF CORPORATIONS" AND TO REGULATE THE CONSOLIDATION OF RAILROAD COMPANIES.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. It shall and may be lawful for any rail- Certain railroads may consolidate.

road company, or corporation, organized or existing under the laws of this State, and whose line of road is made or is in process of construction to the boundary line of the State, or to any point either in or out of the State, under authority of its laws, to merge and consolidate its capital stock, franchises and property into and with the capital stock, franchises and property of any other railroad company or companies, or corporations, organized and existing under the laws of any adjoining State, or Territory, whenever the two or more railroads of the companies or corporations so to be consolidated shall, or may form a continuous line of railroad with each other or by means of any intervening railroad; and roads running to the bank of a river which is not bridged, shall be held to be continuous under this section; *Provided*, that nothing in this act contained shall be taken to authorize the consolidation of any company, or corporation of this State with that of any other State or Territory, unless the laws of such other State or Territory permit, or authorize such consolidation; *Provided further*, that parallel or competing lines of railroad shall not be consolidated.

Conditions, provisions and restrictions under which said roads may consolidate.

SEC. 2. Said consolidation shall be made under the conditions, provisions, restrictions, and with the powers hereafter in this act mentioned and contained; that is to say:

1. The directors of the several corporations proposing to consolidate, may enter into a joint agreement, under the corporate seal of each company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the number of shares of the capital stock, the principal place of business of the new company in each State or Territory traversed by its line of railway, and such other provisions as may be required by law to be inserted in an original certificate of incorporation, the manner of converting the capital stock of each of said companies into that of the new corporation, and how and when directors and officers shall be

chosen, with such other details as they shall deem necessary to perfect such new organization, and the consolidation of said companies or railroads.

2. Said agreement shall be submitted to the stockholders of each of the said companies or corporations, at a meeting thereof, called separately, for the purpose of taking the same into consideration; due notice of the time and place of holding such meeting, and the object thereof, shall be given by written or printed notices, addressed to each of the persons in whose names the capital stock of said companies stands on the books thereof, and delivered to such persons respectively, or sent to them by mail, when their postoffice address is known to the company, and also by a general notice published in some newspaper in the city, town or county where such company had its principal office or place of business; and at the said meeting of stockholders, the agreement of the said directors shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and said ballots shall be cast in person or by proxy, and if a majority of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies, under the seal thereof; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the secretary of state, and shall, from thence, be deemed and taken to be the agreement and act of consolidation of the said companies; and a copy of said agreement and act of consolidation, duly certified by the secretary of state, under the seal thereof, shall be evidence of the existence of said new corporation; *Provided*, that if the mode of ratifying said agreement of consolidation in such other State or Territory shall vary from the mode herein prescribed, then such agreement may be ratified by the railroad company or corporation of such other State or Territory in the mode prescribed by the laws thereof.

SEC. 3. Upon the making and perfecting the agreement and act of consolidation, as provided in the preceding sections, and filing the same, or a copy, with the secretary of state as aforesaid, the several corporations,
To be deemed one corporation.

parties thereto, shall be deemed and taken to be one corporation by the name provided in said agreement and act, possessing within this State all the rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of each of such corporations so consolidated.

Property, etc., of each to be deemed to be transferred to the consolidation.

SEC. 4. Upon the consummation of said act of consolidation, as aforesaid, all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all the property, real, personal and mixed, and all debts due on whatever account, as well as of stock subscriptions and other things in action, belonging to each of such corporations shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed; and all property, all rights of way, and all and every other interest shall be as effectually the property of the new corporation as they were of the former corporations, parties by said agreement; and the title to real estate, either by deed or otherwise, under the laws of this State [or] of the United States, vested in either of such corporations, shall not be deemed to revert, or be in any way impaired by reason of this act, nor shall the lien, operation or effect of any trust deed, or mortgage heretofore executed by any of the corporations so consolidating be in anywise divested, impaired or affected; and the new corporation shall have the right to execute any future trust deed or mortgage upon its property, as shall be provided in the agreement of consolidation, not inconsistent with the laws of this State, and all debts, liabilities and duties of either of said companies shall thenceforth attach to said new corporation, and be enforced against it, to the same extent, as if said debts, liabilities and duties had been incurred, or contracted by it.

Offices.

SEC. 5. Such new company shall as soon as convenient after such consolidation, establish such offices as may be desired, one of which shall be at some point in this State, on the line of its road; and may change the same to any other point in this State, at pleasure, giving public notice thereof, in some newspaper published in this State.

Consolidation with foreign company not to make a foreign corporation.

SEC. 6. If any railroad company, organized under the laws of this State, shall consolidate with any railroad

company, organized under the laws of any other State or of the United States, the same shall not therefore become a foreign corporation, but the courts of this State shall retain jurisdiction in all cases which may arise, as if said consolidation had not taken place.

SEC. 7. That portion of the road of such consoli-^{Taxation.} dated company in this State, and all its real estate and other property shall be subject to like taxation, and assessed in the same manner and with like effect as property of other railroad companies within this State.

Approved March 12, 1883.

AN ACT

[TO AMEND AN ACT] ENTITLED "AN ACT CONCERNING COUNTIES, COUNTY OFFICERS AND COUNTY GOVERNMENT, AND REPEALING LAWS ON THREE SUBJECTS," APPROVED MARCH 24, 1877.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section thirty-one of said act, being section 458 of the general laws of the State of Colorado, ^{New precincts.} be and the same is hereby amended to read as follows:

Section 31. "The board of county commissioners may set off or organize new precincts or change the boundaries or reduce the number of those already organized as the public good shall from time to time require.

SEC. 2 That section 124 of said act, being section 551 of the general laws of this State, be and the same is ^{Commissioners to divide counties.} hereby amended so as to read as follows:

Section 124. The boards of county commissioners of the several counties of this State shall at their July

meeting next, after the passage of this act, divide their respective counties into as many justices' precincts as the necessities of the county may require, and upon the petition of the voters of any such precinct may change the same, or create other such precincts and shall cause to be entered in the journal of their proceedings a record of such precincts giving accurate boundaries thereof, the said board of commissioners shall have power to reduce the number of justices' precincts in any county by uniting two or more precincts or parts thereof, and forming thereby a new precinct as in their judgment the public good shall require; *Provided*, that any action of such board of county commissioners under the provisions of this act, shall not have the effect to abolish the office of justice or constable in such precinct or to in any manner interfere with the jurisdiction of any justice or with the powers and duties of any constable during their respective terms of office. There shall be elected at the first election after the passage of this act, at which county officers are chosen, and annually thereafter in each justice precinct, one justice of the peace, and one constable, who shall each hold his office for the term of two years; *Provided, however*, that the justices' precincts as heretofore established and now existing under the name of justices' townships shall be and remain as now established until the county commissioners shall change the same, and the justices and constables now holding office therein shall continue in office until their respective terms shall expire.

Approved March 12, 1883.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO ESTABLISH AND CREATE THE COUNTY OF DOLORES, AND TO PROVIDE FOR TERMS OF COURT THEREIN," APPROVED FEBRUARY 19TH, 1881.

26. 5. 83

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That for the purpose of fixing the fees chargeable by county, precinct and other officers of said county of Dolores, the same shall be a county of the third class.

SEC. 2. That section ten (10) of said act be and the same is hereby repealed. Repeal.

SEC. 3. That section six (6) of said act be and the same is hereby repealed, and the following shall stand in lieu thereof: The county of Dolores is hereby attached to and made a part of the 21st senatorial district, and is also hereby attached to the county of Ouray for representative purposes. Districts.

SEC. 4. That in the opinion of this General Assembly an emergency exists, and therefore this act shall take effect and be in force from and after its passage. Emergency.

Approved February 11, 1883.

AN ACT

TO CHANGE THE NAME OF THE COUNTIES OF
OURAY AND UNCOMPAHGRE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. The name of the county of Uncompahgre is hereby changed to Ouray, and the name of Ouray county is changed to San Miguel county.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that it shall be in force from and after its passage.

Approved March 2. 1883.

AN ACT

TO ESTABLISH THE COUNTY OF DELTA, AND
TO PROVIDE FOR TERMS OF COURT THERE-
IN.

Be it enacted by the General Assembly of the State of Colorado :

Creation and
boundaries.

SECTION 1. That so much of the county of Gunnison as is included within the following described boundaries shall be set apart and is hereby established as a county, with the legal capacity and functions of other counties of this State, to be called the County of Delta, and to be bounded as follows, to wit: Beginning at a point two miles south of the 3d correction line extended west to a point of intersection with the $107^{\circ} 30'$ west longitude; thence due north along said degree of longitude to the divide between the head waters of the Grand and North Fork of the Gunnison rivers; thence along said divide in a southwesterly direction to a point on the extreme southwestern extremity of the Grand Mesa; thence in a southwesterly direction to the mouth of the Rio Dominguez; thence due south to a point two miles south of an extension of the 3d correction line; thence due east parallel with said extension of the 3d correction line to place of beginning.

County seat at Del-
ta.

SEC. 2. The county seat of said county shall be at the town of Delta in said county.

Officers.

SEC. 3. All county and precinct officers who live in that part of Gunnison county that is hereby made Delta county, shall hold their respective offices for the terms for which they may have been elected, and are hereby declared to be legal officers of Delta county; and the Governor shall appoint such other officers as may be necessary to carry on the county government of said Delta county, to hold their respective offices until after the next general election in said county, or until their successors are duly elected and qualified according to law; and it is further provided that the county records

shall be kept, and all county offices shall be at the town of Delta, in said Delta county, until otherwise provided by law.

SEC. 4. That for the purpose of establishing the fees of county, precinct and other officers, said county of Delta shall be a county of the third class. County of third class.

SEC. 5. All suits or proceedings, civil or criminal, now pending in either the district or county court of Gunnison county, wherein the cause of action occurred or the offense charged is alleged to have been committed within the territory now embraced within the boundaries of the new county of Delta, and all civil cases now pending in either of said courts, wherein the defendant or a majority of the defendants, if there be more than one, resides within said new county of Delta, shall be, as soon as said new county of Delta is organized, transferred by the clerks or judges of said courts to the courts of like jurisdiction within and for said county of Delta. Transfer of causes in courts.

SEC. 6. There shall be held annually in said county, four terms of the county court, commencing on the first Monday in the months of March, June, September and December. Terms of county court.

SEC. 7. There shall be held annually in said county of Delta, two terms of the district court, commencing on the _____ Monday of the months of _____ and _____. Terms of district court.

SEC. 8. All county records or other county property heretofore belonging in or to the county of Gunnison, shall be and remain the property of said county of Gunnison. Records.

SEC. 9. A duly certified transcript of all the records of all property situated in the county of Delta shall be furnished to the county clerk of said county by the county clerk of Gunnison county upon the payment by the said county of Delta of such fees as are provided by law for the services of said clerk in the premises; and such transcript shall be entered upon the record books of said county of Delta, and when so entered shall be deemed and held to be a good and legal record. Transfer by transcript of records.

Apportionment
of indebtedness.

SEC. 10. The present indebtedness of the county of Gunnison shall be apportioned between the county of Gunnison and the county of Delta, in proportion to the ratio which the taxable property of that portion of the county of Gunnison which is now included within the boundaries of Delta county bears to the taxable property of the county of Gunnison, as shown by the assessment rolls for the year of 1882.

County commis-
sioners to adjust.

SEC. 11. The boards of county commissioners of said counties of Gunnison and Delta shall have full power and authority to adjust and settle all matters of revenue that it may be necessary to adjust and settle on account of the formation of said new county of Delta, and also apportion the indebtedness of said county of Gunnison specified in section ten of this act, and for these purposes the said commissioners of Gunnison and Delta counties shall meet at the town of Gunnison upon ten days' notice in writing being given by the commissioners of either county to the commissioners of the other county, at any time after the officers of the county of Delta shall have been duly appointed and qualified, and a majority of the united boards of commissioners of the counties of Gunnison and Delta, shall be a legal quorum to adjust said revenue and apportion said indebtedness of said Gunnison county. In case there shall not be a quorum present at any of said meetings, or in case the said commissioners fail to agree on the adjustment of said revenue and the apportionment of indebtedness of said county, then upon the request of either of the said boards of commissioners, the Governor of this State is hereby authorized and required to appoint a disinterested person to adjust and settle said matters of revenue and indebtedness, and his decision shall be final. The expenses of such arbitration, if any shall be required, as to the present indebtedness of Gunnison county, shall be paid in equal proportion by said counties of Gunnison and Delta.

District.

SEC. 12. The county of Delta is hereby attached and made a part of the seventh judicial district for judicial purposes, and is also hereby attached to the county of Gunnison for senatorial and representative purposes, and shall so remain until otherwise changed by law.

SEC. 13. Whereas, it is important that the annual assessment of taxes for the year 1883 in the said county of Delta be made at the time prescribed by law, and other interests of the people inhabiting said county require that this act shall take effect immediately upon its passage, therefore, in the opinion of this General Assembly an emergency contemplated by section 19, of article 5, of the constitution exists, and this act shall take effect and be in force from and after its passage.

Approved February 11, 1883.

AN ACT

TO ESTABLISH THE COUNTY OF EAGLE, AND PROVIDE FOR THE TERMS OF COURT THEREIN.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That the county of Eagle is hereby created and established, with the legal capacities and functions of other counties of this State, and with boundaries as follows, to wit: Commencing at a point on the northern boundary of Lake county where the divide between the Eagle river and Ten Mile branches from and leaves the National range; thence along the summit of the said divide and the dividing ridge between the Piney and the Blue rivers to the southern line of Grand county; thence due west to a point six miles west of the 107° of west longitude; thence due south to the northern boundary line of Pitkin county; thence east along said boundary line to the summit of the National range; thence in an easterly direction along said summit of the National range to the place of beginning.

SEC. 2. All county and precinct officers who live in that part of Summit county that is hereby made Eagle county, shall hold their respective offices for the

terms for which they may have been elected, and are hereby declared to be legal officers of the said county of Eagle, and the Governor shall appoint such other officers as may be necessary to carry on the county government of said Eagle county, to hold their respective offices until after the next general election in said county, or until their successors are duly elected and qualified according to law.

County seat.

SEC. 3. At the next general election to be held in said Eagle county, the county seat of said county shall be selected and established by the vote of the people of said county, as provided in section 22 of chapter 21 of the general laws of the State.

SEC. 4. Until such county seat is selected and established as provided in section 3 of this act, the town of Red Cliff shall be the county seat of said county, and at said town all terms of the district and county courts of said Eagle county shall be held and the county offices of said county shall be kept.

Terms of court.

SEC. 5. There shall be held annually in said county four terms of the county court, commencing on the first Monday in the months of March, June, September and December respectively; and there shall be held annually in said county, one term of the district court, commencing on the first Monday in September.

SEC. 6. The county of Eagle is hereby attached to and made a part of the fifth judicial district, and of the twelfth senatorial district, and is attached to the county of Summit for representative purposes.

**Transfer of causes
in court.**

SEC. 7. All suits, civil and criminal, now pending in the district and county courts of Summit county wherein the cause of action accrued in the territory embraced in the county of Eagle, or wherein the jurisdiction by the code of this State belongs in the said county of Eagle and not in the county of Summit, shall be, as soon as the officers of said Eagle county shall have qualified, transferred by the proper clerks or judges of the said courts of Summit county to the courts of the same jurisdiction of the county of Eagle.

SEC. 8. All county records or other county prop-^{Records.}erty belonging in or to the county of Summit shall be and remain the property of said county.

SEC. 9. A transcript of the records of all pro-^{Transcript to be furnished by county clerk of Summit.}perty situate in the county of Eagle shall be furnished to the county clerk of said county by the county clerk of Summit county on payment of a reasonable fee for copying the same, and such transcript certified by the clerk of said county may be entered on the records of Eagle county, and shall be deemed a good and legal record.

SEC. 10. The present indebtedness of the county^{Apportionment of indebtedness.} of Summit shall be apportioned between the counties of Eagle and Summit in proportion to the taxable property of each as shown by the assessment roll of 1882.

SEC. 11. The board of county commissioners of said counties of Summit and Eagle shall have full power and authority to adjust and settle all matters of revenue that may be necessary to adjust and settle on account of the formation of said Eagle county, and also to apportion the indebtedness of said Summit county as provided for in section 10 of this act, and for these purposes the said boards of commissioners shall meet at the town of Breckenridge, in Summit county, at any time after the commissioners of Eagle county shall be duly qualified, on ten (10) days' notice in writing being given by the commissioners of either county to the commissioners of the other county, and a majority of the united boards of commissioners shall be a legal quorum to adjust said revenue and to apportion the indebtedness of said Summit county. In case there shall not a quorum be present at any of said meetings, or in case said commissioners fail to agree on the adjustment of said revenue or the apportionment of said indebtedness, then upon the request of either of the said boards of commissioners the Governor of this State is hereby authorized and required to appoint a disinterested person to adjust and settle said matters of revenue and indebtedness and his decisions shall be final. The expenses of said arbitration, if any be required, shall be paid equally by the counties of Summit and Eagle.

County of third
class.

SEC. 12. The said county of Eagle shall be a county of the third class.

Emergency.

Emergency. Whereas, it is important that the annual assessment for the year 1883 be made in said Eagle county at the time provided by law, therefore, in the opinion of this assembly an emergency exists, and this act shall be in force from and after its passage.

Approved February 11, 1883.

AN ACT

TO ESTABLISH THE COUNTY OF GARFIELD,
AND TO PROVIDE FOR TERMS OF COURT
THEREIN.

Be it enacted by the General Assembly of the State of Colorado :

Creating the county
and prescribing
the boundaries.

SECTION 1. That the county of Garfield is hereby established, with the legal capacity and functions of other counties in this State, and with boundaries as follows: Beginning at the southwest corner of the southeast part of Routt county, or the 107th degree of west longitude; thence running due west six miles; thence running due south to the northern line of Pitkin county; thence running due west on the southern line of Summit county to the Utah line; thence running north on the western line of Summit county to Routt county; thence running east on the north line of Summit county to the 107th degree of west longitude; thence south on the 107th degree of west longitude to the starting point.

Officers.

SEC. 2. All county and precinct officers who live in that part of Summit county that is hereby made Garfield county, shall hold their respective offices for the terms for which they were elected, and are hereby declared to be legal officers of Garfield county, and the Governor shall appoint such other officers as may be necessary to carry on the county government of said Garfield county,

to hold their respective offices until after the next general election in said county, or until their successors are duly elected and qualified according to law.

SEC. 3. At the next election to be held in said Garfield county, the county seat of said county shall be selected and established by a vote of the people of said county, as provided in section twenty-two, chapter twenty-one, of the general laws of this State. County seat to be selected by vote.

SEC. 4. Until such county seat is selected and established as provided in section (3) of this act, the town of Carbonate shall be the county seat of said county, and at said town of Carbonate all terms of the district and county courts of said county of Garfield shall be held, and the county offices, of said Garfield county, shall be kept. County seat at Carbonate.

SEC. 5. There shall be held annually in said county four terms of the county court, commencing on the first Monday in the months of March, June, September and December. Terms of court.

SEC. 6. All suits, civil and criminal, now pending in the district and county courts of Summit county, wherein the cause of action accrued in the territory embraced in the new county of Garfield, or wherein the defendant or defendants reside therein, shall be, as soon as the officers of said Garfield county shall have been appointed and qualified, transferred by the clerks or the judges of said Summit county, to the courts of the same jurisdiction in said county of Garfield.

SEC. 7. All county records or other county property heretofore belonging in or to the county of Summit shall be and remain the property of said county of Summit. Records.

SEC. 8. A transcript of the records of all property situated in the county of Garfield shall be furnished to the county clerk of said county by the county clerk of Summit county upon payment of a reasonable fee for copying the same, and such transcript may be entered upon the record books of Garfield county, and shall be held to be a good and legal record. County clerk of Summit to transfer records by transcript to clerk of Garfield county

SEC. 9. The present indebtedness of the county of Summit shall be apportioned between the counties of Indebtedness.

Summit and Garfield in proportion to the taxable property in each, as shown by the assessment roll for the year of 1882.

Apportionment of
indebtedness.

SEC. 10. The board of county commissioners of said counties of Summit and Garfield, shall have full power and authority to adjust and settle all matters of revenue, that it may be necessary to adjust and settle, on account of the formation of said new county of Garfield, and also to apportion the indebtedness of said county of Summit as specified in section nine of this act, and for these purposes the said commissioners shall meet at the town of Breckenridge upon ten days' notice, in writing, being given by the commissioners of either county, to the commissioners of the other county, at any time after the officers of Garfield county shall have been duly appointed and qualified, and a majority of the united boards of commissioners of the counties named shall be a legal quorum to adjust said revenue, and apportion said indebtedness. In case there should not be a quorum present at said meeting, or in case the said commissioners fail to agree on the adjustment of the revenue, and the apportionment of the revenue, and the apportionment of the indebtedness, then upon request of either of the said boards of commissioners, the Governor of this State is hereby authorized and required to appoint some disinterested person, to adjust and settle said matters of revenue and indebtedness, and his decision shall be final. The expenses of said arbitration, if any shall be required, shall be paid in equal proportion by said counties of Summit and Garfield.

County of third
class.

SEC. 11. That for the purpose of establishing the fees of county, precinct and other officers, said county shall be a county of the third class.

Attached to 12th
senatorial district.

SEC. 12. The county of Garfield is hereby attached to the twelfth senatorial district, and to the county of Summit for representative purposes, and shall so remain until otherwise changed by law.

Attached to fifth
judicial district.

SEC. 13. The county of Garfield shall be attached to the fifth judicial district, for all judicial purposes, and there shall be held annually in said county, one term of the district court, which shall begin on the third Monday in September, in each year.

SEC. 14. Whereas, it is the opinion of this General ^{Emergency.} Assembly that an emergency exists, therefore this act shall take effect from and after its passage.

Approved February 10, 1883.

AN ACT

TO ESTABLISH THE COUNTY OF MESA, AND TO PROVIDE FOR TERMS OF COURT THEREIN.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That so much of the county of Gunnison as is included within the following described boundaries shall be set apart, and is hereby established as a county with the legal capacity and functions of other counties of this State, to be called the county of Mesa, and to be bounded as follows, to wit: Beginning at the ^{Boundaries.} northwest corner of Pitkin county, and running thence south along and with the western line of Pitkin county to the divide between the waters of the Grand river and the North Fork of the Gunnison river; thence southwesterly along and with said divide to the southwestern extremity of the Grand Mesa; thence southwesterly to the mouth of the Rio Dominguez, thence due south to the parallel of thirty-eight degrees and thirty minutes of north latitude; thence west to the western boundary line of the State of Colorado; thence north along said boundary line to the northern boundary line of Gunnison county; and thence east along said northern boundary line of Gunnison county to the place of beginning.

SEC. 2. The county seat of said county shall be at ^{County seat.} the town of Grand Junction.

SEC. 3. All county and precinct officers who live ^{Officers.} in that part of Gunnison county that is hereby made Mesa county, shall hold their respective offices for the terms for which they may have been elected, and are hereby declared to be legal officers of Mesa county; and the Governor shall appoint such other officers as may be

necessary to carry on the county government of said Mesa county, to hold their respective offices until after the next general election in said county, or until their successors are duly elected and qualified according to law.

Transfer of causes
in courts.

SEC. 4. All suits and proceedings, civil or criminal, now pending in either District or County court of Gunnison county wherein the cause of action accrued, or the offense charged is alleged to have been committed within the territory now embraced within the boundaries of the new county of Mesa, and all civil cases now pending in either of said courts wherein the defendant or a majority of the defendants, if there be more than one, resides within said new county of Mesa shall be, as soon as said new county of Mesa is organized, transferred by the clerks or judges of said courts to the courts of like jurisdiction within and for said county of Mesa.

Terms of county
court.

SEC. 5. There shall be held annually, in said county of Mesa, four terms of the county court, commencing on the first Monday in the months of March, June, September and December.

Terms of district
court.

SEC. 6. There shall be held annually, in said county of Mesa, two terms of the district court commencing on the——Monday of the months of——and——

Records.

SEC. 7. All county records or other county property heretofore belonging in or to the county of Gunnison, shall be and remain the property of said county of Gunnison.

Transcript to be
furnished by clerk
of Gunnison county.

SEC. 8. A duly certified transcript of the records of all the property situated in the county of Mesa, shall be furnished to the county clerk of said county by the county clerk of Gunnison county upon the payment by the said county of Mesa of such fees as are provided by law for the services of said clerk in the premises, and such transcript shall be entered upon the record books of said county of Mesa, and when so entered shall be deemed and held to be a good and legal record.

Apportionment of
indebtedness.

SEC. 9. The present indebtedness of the county of Gunnison shall be apportioned between the county of Gunnison and the county of Mesa, in proportion to the

ratio which the taxable property of that portion of the county of Gunnison, which is now included within the boundaries of Mesa county, bears to the taxable property of the county of Gunnison as shown by the assessment rolls for the year 1882.

SEC. 10. The boards of county commissioners of said counties of Gunnison and Mesa shall have full power and authority to adjust and settle all matters of revenue that it may be necessary to adjust and settle on account of the formation of said new county of Mesa, and also apportion the indebtedness of said county of Gunnison, as specified in section nine of this act; and for these purposes, the said commissioners of Gunnison and Mesa counties shall meet at the town of Gunnison upon ten days' notice in writing being given by the commissioners of either county to the commissioners of the other county, at any time after the officers of Mesa county shall have been duly appointed and qualified, and a majority of the united boards of commissioners of the counties of Gunnison and Mesa shall be a legal quorum to adjust such revenue and apportion such indebtedness of said Gunnison county. In case there shall not be a quorum present at any of said meetings, or in case the said commissioners fail to agree on the adjustment of said revenue and the apportionment of the indebtedness of said county, then upon the request of either of said boards of commissioners, the Governor of this State is hereby authorized and required to appoint a disinterested person to adjust and settle said matters of revenue and indebtedness and his decision shall be final. The expenses of such arbitration if any shall be required, as to the present indebtedness of Gunnison county shall be paid in equal proportion by said counties of Gunnison and Mesa.

Commissioners may
adjust indebted-
ness.

SEC. 11. The county of Mesa is hereby attached and made a part of the seventh judicial district for judicial purposes, and is also hereby attached to the county of Gunnison for senatorial and representation purposes and shall so remain until otherwise changed by law.

Districts.

SEC. 12. (Emergency.) Whereas, it is important that the annual assessment of taxes for the year 1883, in

Emergency.

the said county of Mesa, be made at the time prescribed by law, and other interests of the people inhabiting said county require that this act shall take effect immediately upon its passage; therefore, in the opinion of this General Assembly, an emergency, contemplated by section nineteen of article five, of the constitution, exists, and this act shall take effect and be in force from and after its passage.

Approved February 14, 1883.

AN ACT

TO ESTABLISH THE COUNTY OF MONTROSE
AND TO PROVIDE FOR TERMS OF COURT
THEREIN.

Be it enacted by the General Assembly of the State of Colorado:

Boundaries.

SECTION 1. That the county of Montrose is hereby established with the legal capacity and functions of other counties in this State, and with boundaries as follows: Beginning at a point on parallel $107^{\circ} 30'$ two miles south of the third correction line (extended west), thence west to a point due south of the mouth of the Rio Dominguez; thence south to parallel $38^{\circ} 30'$; thence west along said parallel to the west line of the State; thence south along said line to the northwest corner of Ouray county; thence east along said line to parallel 108° of west longitude; thence north along said last named parallel to a point ten (10) miles due north of the north line of Ouray county, thence east to parallel $107^{\circ} 30'$; thence north along said parallel to the point of beginning.

Officers.

SEC. 2. All county and precinct officers who live in that part of Gunnison county that is hereby made Montrose county, shall hold their respective offices for the terms for which they may have been elected, and are hereby declared to be legal officers of Montrose county; and the Governor shall appoint such other officers as may

be necessary to carry on the county government of said Montrose county, to hold their respective offices until after the next general election in said county or until their successors are duly elected and qualified according to law.

SEC. 3. At the next general election to be held in said Montrose county, the county seat of said county shall be selected and established by a vote of people of said county as provided in section twenty-two, chapter twenty-one, of the general laws of the State. County seat.

SEC. 4. Until such county seat is selected and established as provided in section three (3) of this act, the town of Montrose shall be the county seat of said county, and at said town of Montrose all terms of the district and county courts for said county of Montrose shall be held, and the county officers of said Montrose county shall be kept.

SEC. 5. There shall be held annually in said county, four terms of the county court, commencing on the first Monday in the months of March, June, September and December. Terms of county court.

SEC. 6. All suits, civil and criminal, now pending in the district and county courts of Gunnison county wherein the cause of action occurred in the Territory embraced in the new county of Montrose, or wherein the defendant or defendants reside therein, shall be, as soon as the officers of said Montrose county shall have been appointed and qualified, transferred by the clerks or judges of said Gunnison county to the courts of the same jurisdiction in said county of Montrose. Transfer of cases in court.

SEC. 7. All county records or other county property heretofore belonging to the county of Gunnison, shall be and remain the property of said county of Gunnison. Records.

SEC. 8. A duly certified transcript of the records of all property situated in the county of Montrose shall be furnished to the county clerk of said county by the county clerk of Gunnison county upon payment of the fees allowed by law for the services of said clerk in the premises. And such transcript may be entered upon the record books of Montrose county, and when so entered shall be held and deemed to be a good and legal record. Transcript of records to be transferred by clerk of Gunnison county.

Apportionment of
indebtedness.

SEC. 9. The present indebtedness of the county of Gunnison shall be apportioned between the counties of Gunnison and Montrose in proportion to the taxable property in each as shown by the assessment roll for the year 1882.

County commis-
sioners may ad-
just.

SEC. 10. The board of county commissioners of said counties of Gunnison and Montrose shall have full power and authority to adjust and settle all matters of revenue that it may be necessary to adjust and settle on account of the formation of said new county of Montrose, and also to apportion the indebtedness of said county of Gunnison as specified in section nine (9) of this act, and for these purposes the said commissioners shall meet at the town of Gunnison City upon ten days' notice, in writing, being given by the commissioners of either county to the commissioners of the other county at any time after the officers of Montrose county shall have been duly appointed and qualified, and a majority of the united boards of commissioners of the counties named shall be a legal quorum to adjust said revenue and apportion said indebtedness. In case there should not be a quorum present at said meeting, or in case said commissioners fail to agree on the adjustment of the revenue and the apportionment of the revenue and the apportionment of the indebtedness, then upon request of either of the said boards of commissioners the Governor of this State is hereby authorized and required to appoint some disinterested person to adjust and settle said matters of revenue and indebtedness, and his decision shall be final. The expenses of said arbitration, if any shall be required, shall be paid in equal proportion by said counties of Gunnison and Montrose.

County of the third
class.

SEC. 11. That for the purpose of establishing the fees of county, precinct, and other officers, said county shall be a county of the third-class.

District.

SEC. 12. The county of Montrose is hereby attached to the 13th senatorial district; said county of Montrose shall be attached to the county of Gunnison for representative purposes.

Judicial district.

SEC. 13. The county of Montrose shall be attached to the seventh judicial district for all judicial purposes

and there shall be held annually in said county of Montrose two terms of the district court commencing on the first Mondays of May and November in each year.

SEC. 14. Whereas it is important that the annual ^{Emergency.} assessment of taxes for the year 1883 in the said county of Montrose be made at the time prescribed by law and other interests of the people inhabiting said county require that this act shall take effect immediately upon its passage, therefore in the opinion of the general assembly an emergency contemplated by section nineteen of article five of the constitution exists and this act shall take effect and be in force from and after its passage.

Approved February 11, 1883.

AN ACT

TO CREATE AND ESTABLISH THE COUNTY OF UNCOMPAGHGRE TO PROVIDE FOR ITS REPRESENTATION AND FOR TERMS OF COURT THEREIN.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That the county of Uncompahgre be ^{Boundaries.} and the same is hereby created with legal capacity and functions of other counties in this State and shall embrace all that territory drained by the Uncompahgre river and its tributaries south of 38° 20' north latitude and north of the San Juan county line.

SEC. 2. All county and precinct officers who live in ^{officers.} that part of Ouray county that is hereby made Uncompahgre county shall hold their respective offices for the terms for which they may have been elected and are hereby declared to be legal officers of Uncompahgre county, and the Governor shall appoint such other officers as may be required by law to carry on the county government of Uncompahgre county.

County seat.

SEC. 3. At the next general election to be held in the counties of Ouray and Uncompahgre the county seat of said counties shall be selected and established by a vote of the people of said counties respectively in the manner provided by law; but until so determined the county seat of Ouray county shall be at Telluride in said Ouray county, and the county seat of Uncompahgre county shall be at Ouray in said Uncompahgre county shall be at Ouray in said Uncompahgre county and at said towns respectively all terms of the district and county courts of said counties shall be held and the county offices of said counties shall respectively be kept.

Terms of court.

SEC. 4. There shall be annually held in said county six terms of the county court, commencing on the first Mondays in the months of January, March, May, July, September and November and two terms of the district court on the fourth Monday of April and third Monday in September.

Districts to which attached.

SEC. 5. The county of Uncompahgre is hereby attached and made a part of the twenty-first senatorial district, and of the seventeenth judicial district, and is hereby attached to the county of Ouray for representative purposes.

SEC. 6. All suits, civil and criminal now pending in the district and county courts of Ouray county, wherein the cause of action accrued in the territory embraced in the new county of Uncompahgre, or wherein the defendant or defendants reside therein, shall be transferred to to the courts of the same jurisdiction in said new county of Uncompahgre, and the remaining suits shall be determined as provided by law in the district and county courts of Ouray county respectively.

Records and their transfer.

SEC. 7. All records of instruments made in the office of the county recorder of Ouray county, after the passage of this act, shall have the same force and effect as if made in the office of the county recorder, and in the records of said Uncompahgre county all county records and other county property heretofore belonging to or in the county of Ouray, shall be the property of Uncompahgre county, and the county commissioners of Ouray county shall appoint some person to make a

transcript of so much of the records of said Uncompahgre county as shall pertain to the territory embraced in the county of Ouray, which transcript shall have the same force and effect in law in every respect that the original record hereby provided to be transcribed shall have. The persons so appointed shall give the bond and take the oath of office prescribed for county recorders, and shall receive such reasonable compensation for their services as may be agreed upon by him and the said county commissioners of Ouray county.

SEC. 8. The present indebtedness of the county of Ouray shall be apportioned between the counties of Ouray and Uncompahgre in proportion to the taxable property in each as shown by the assessment roll for the year 1882.

SEC. 9. The board of county commissioners of said counties of Ouray and Uncompahgre shall have full power and authority to adjust and settle all matters of revenue that may be necessary to adjust and settle on account of the formation of said new county of Uncompahgre, and also to apportion the indebtedness of said county of Ouray as specified in section eight (8) of this act, and for these purposes the said commissioners shall meet at the town of Ouray upon ten days' notice, in writing, being given by the commissioners of either county to the commissioners of the other county, at any time after the officers of Uncompahgre county shall have been duly appointed and qualified, and a majority of the united boards of commissioners of the counties named shall be a legal quorum to adjust said revenue and apportion said indebtedness. In case there shall not be a quorum present at said meeting, or in case said commissioners fail to agree on the adjustment of the revenue and the apportionment of the indebtedness, then upon the request of either of the said boards of commissioners the Governor of this State is hereby authorized and required to appoint some disinterested person to adjust and settle said matters of revenue and indebtedness, and his decision shall be final. The expenses of said arbitration, if any, shall be paid equally by said counties of Ouray and Uncompahgre.

Apportionment and adjustment of indebtedness.

Emergency.

SEC. 10. Whereas it is important that the annual assessment of taxes for the year 1883 in the said county of Uncompahgre be made at the time prescribed by law, and other interests of the people inhabiting said county require that this act shall take effect immediately upon its passage, therefore, in the opinion of the General Assembly an emergency contemplated by section nineteen (19) of article five (5), of the constitution exists, and this act shall take effect and be in force from and after its passage.

Approved February 27, 1883.

AN ACT

TO ENABLE COUNTIES TO REFUND RAILROAD AID BONDS.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That the board of county commissioners of any county having any indebtedness outstanding in the form of bonds known as "Railroad Aid Bonds," issued under the provisions of an act of the Territory of Colorado, entitled, "An Act Relating to the Railroads, Wagon Roads and Mining Companies, Subscriptions to Stock, Issue of Bonds, Taxes to pay Interest and Principal by Counties, Cities or Towns, and for Other Purposes," approved January tenth, (10th) A. D. 1868, or under the provisions of an act of the Territory of Colorado, entitled, "An Act to Incorporate the Colorado and Clear Creek Railroad Company," approved February ninth, (9th) 1865, and acts supplemental thereto, or under the provisions of any other act or acts of said Territory; which bonds have matured or are about to mature, or which may have been made by their provisions redeemable at the pleasure of the county before maturity, may, with the consent of the holders of such bonds, issue to said holders, in exchange therefor, at their par value, new bonds of equal amount, bearing interest at a rate

May issue new
bonds.

not exceeding eight per cent. per annum, such new bonds to be redeemable at the pleasure of the county after ten years from the date of their issue, but absolutely due and payable in twenty years from such date at the office of the county treasurer.

SEC. 2. The board of county commissioners of such county as aforesaid, shall also have authority to sell any such bonds to any person or corporation not holding or wishing to exchange railroad aid bonds therefor; but no such bonds shall be sold at less than their par value, and the money arising from such sale shall be forthwith applied to the redemption of the outstanding or maturing railroad aid bonds of said county, and for no other purpose whatever.

County may sell new bonds; how proceeds to be applied.

SEC. 3. The total amount of bonds authorized to be issued under this act, by any county, shall not exceed the amount of the principal of the railroad aid bonds of such county outstanding at the time of such issue, and any bonds issued in excess of such amount shall be null and void.

Not to exceed principal of former bonds.

SEC. 4. No county commissioner of any county shall be authorized to issue such bonds, however, unless the question shall have been first submitted to a vote of the duly qualified electors of such county at a general election or the county commissioners may submit such question at a special election, which they are hereby empowered to call for that purpose. When they deem it necessary to make such issue, they shall enter an order of record specifying the amount required, and the object for which such issue of bonds is to be made, and they shall publish for the period of at least thirty days immediately preceding such general or special election in some newspaper published within such county, a notice that such question will be submitted as aforesaid at such election. All persons voting on the question shall vote by separate ballot, whereon are printed the words "For refunding railroad aid bonds," or "Against refunding railroad aid bonds," such ballots to be deposited in a box to be provided by the county commissioners especially for that purpose; and no person shall vote upon the question of refunding as aforesaid, unless he shall have

Commissioners, to submit question to electors.

the necessary qualifications of an elector as provided by law, and shall have paid a property tax in such county in the preceding year; and if, upon canvassing the vote (which shall be canvassed in the same manner as the vote for county officers) it shall appear that a majority of all the votes cast are in favor of refunding as aforesaid, then the county commissioners shall be authorized to issue such bonds as provided in section one of this act, and not otherwise.

Description of bond
and how executed

SEC. 5. All bonds which may be issued under this [the] provisions of this act shall be known as "Refunding Bonds," and shall be signed by the chairman of the board of county commissioners, countersigned by the treasurer of the county, and attested by the clerk of such county, and shall bear the seal of the said county upon each bond. They shall be numbered and registered in a book kept for that purpose by the county treasurer, in the order in which they are issued, and each bond shall state upon its face the amount for which the same is issued, to whom issued, and the date of its issuance. No bond shall be of a less denomination than five hundred dollars, and if issued for a greater amount, then for some multiple of that sum. The interest on such bonds shall be evidenced by coupons attached thereto, and shall be payable semi-annually, at the office of the county treasurer, or in the city of New York, at the option of the holder thereof. Before the delivery of any bonds issued under the provisions of this act, they shall be registered in the office of the state auditor, to whom a fee of ten cents shall be paid for registering each bond and endorsing his certificate of such registry thereon, under his seal.

SEC. 6. The county commissioners shall be authorized to prescribe the form of such bonds, and the coupons thereto; and to provide for the half-yearly interest accruing on such bonds actually issued and delivered, they shall levy annually a sufficient tax to fully discharge such interest, and for the ultimate redemption of such bonds, they shall levy annually, after nine years from the date of such issuance, such tax upon all the taxable property in their county, as shall create a yearly fund equal to ten (10) per cent. of the whole amount of such bonds issued; which fund shall be called the redemption

fund. And all taxes for interest on and for the redemption of such bonds, shall be paid in cash only, and shall be kept by the county treasurer as a special fund, to be used in payment of interest on and for the redemption of such bonds only; and such taxes shall be levied and collected as other taxes.

SEC. 7. It shall be the duty of the county treasurer, when there are sufficient funds in his hands to the credit of the redemption fund to pay in full the principal and interest of any such bonds, immediately to call in and pay as many of such bonds and accrued interest thereon, as the funds on hand will liquidate, as hereinbefore provided. Such bond or bonds shall be paid in the order of their number; and when any bond or coupons issued under this act are taken up, it shall be the duty of such treasurer to certify his action to the board of county commissioners, who shall cancel the same; so that they can be plainly identified, and cause a record to be made of the same; and when it is desired to redeem any of such bonds, the county treasurer shall caused [cause] to be published for thirty days, in some newspaper at or nearest the county seat of the county and in a newspaper published in the city of Denver, a notice that certain county bonds by numbers and amounts, will be paid upon presentation, and at the expiration of thirty days such bonds shall cease to bear interest.

County treasurer to pay the matured bonds out of this fund.

SEC. 8. Nothing in this act shall be construed to authorize any increase whatever in the debt of any county issuing bonds as provided herein.

Not to increase county debt.

SEC. 9. It is hereby declared that an emergency exists for the immediate taking effect of this act; it shall therefore be in force from and after its passage.

Emergency.

Approved March 12, 1883.

AN ACT

TO AUTHORIZE THE EMPLOYMENT OF STENOGRAPHIC REPORTERS IN THE COUNTY COURTS OF THE STATE OF COLORADO.

Be it enacted by the General Assembly of the State of Colorado :

Appointed by
judge; same du-
ties as r-
porters
in district courts.

SECTION 1. The judge of any county court in this State may, when in the opinion of the board of county commissioners of such county, it shall be expedient or necessary, appoint a competent short hand reporter to attend during any term of the court or any part thereof or during the trial of any cause or causes, whose duties shall be such as are now or as may be hereafter provided by law for such reporters employed in the district courts of this State.

County commis-
sioners determine
when a reporter
is necessary.

SEC. 2. When in the opinion of the board of county commissioners of any county it shall be expedient or necessary to employ a short hand reporter for the county court of such county the board shall pass a resolution to that effect and certify the same to the county judge of said county who may thereupon appoint such reporter as provided in section one of this act.

Compensation.

SEC. 3. Such reporter shall receive for his services such pay as the board of county commissioners may fix, to be paid from the treasury of the county, not exceeding ten dollars per diem for reducing the testimony to short-hand, and not exceeding fifteen cents per folio of one hundred words for making transcripts in long hand, when so directed by the court. The compensation to said reporter shall be paid in the same manner as is now or may be hereafter provided for such reporter in the district courts.

Emergency.

SEC. 4. Inasmuch as in some of the counties of this State it is necessary for the prompt transaction of the business in the county court that stenographers be employed in such courts, therefore, in the opinion of the Assembly, an emergency exists, another [and this] act shall take effect and be in force from and after its passage.

Approved February 11, 1883.

AN ACT

TO AUTHORIZE THE EXECUTION OF CERTAIN
CONVEYANCES BY THE COUNTY JUDGES
OF PUEBLO COUNTY, AND DECLARING THE
EFFECT THEREOF.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That in all cases where the probate or county judges, or judges of Pueblo county, or the city authorities of the city of Pueblo, in said State, have heretofore conveyed or attempted to convey by deed or deeds to any person or persons, any part or portion of the lots, or parcels of land embraced in the entry made by Mark G. Bradford, probate judge of said county, to wit: The west half of the northwest quarter of section thirty-one (31), in township twenty (20), south of range sixty-four (64) west, and the east half of the northeast quarter of section thirty-six (36), township twenty (20), south of range sixty-five (65) west, on the nineteenth day of January, A. D. 1869, and patented by the United States on the fifth day of August, A. D. 1869, to the said Mark G. Bradford, probate judge, in trust for the occupants of the town of Pueblo, in said county, under the provisions of an act of congress, entitled, "An Act for the Relief of the Inhabitants of Cities and Towns, upon the Public Lands," approved March second (2d), 1867; and which deed or deeds of conveyance, by insufficient description of the premises actually intended thereby to be conveyed, or from any other cause or causes whatsoever was or is so defective or invalid that the title acquired from the United States by said Mark G. Bradford and his successors in office by said entry and patent, was not transferred to and vested in the grantee or grantees, named in such defective or invalid deed or deeds, then and in every such case the present county judge of said Pueblo county is, and his successor or successors in office, are hereby authorized, empowered and directed, on application therefor, to forthwith execute, acknowledge, and deliver to such grantee or grantees, or their assign or assigns, another deed, or other deeds, of conveyance in due form of law

Legalizing certain conveyances.

for the premises described or intended to be described in said defective or invalid conveyances, and which deed or deeds when so executed and delivered, as herein provided shall vest in the grantee or grantees to be named therein all the right, title and interest, both legal and equitable, in and to the premises therein described, as fully and completely as though the said original deed or deeds therefor were in all respects valid and effectual deeds of conveyance in fee simple.

Fees. SEC. 2. The said county judge shall receive the same fees for executing said additional deeds as was authorized by law for said original deeds, and upon any person applying to said county judge to obtain the benefits provided for by this act, the said judge shall be vested with power to determine whether the person so applying is entitled to such relief or not.

Powers of judge to determine.
Act not to affect property in litigation nor BONA-FIDE occupants. SEC. 3. This act shall not apply to, or in any manner affect any lot or lots, or part or parts thereof, within the said city of Pueblo, that are now in litigation, or that have been and still are in actual *bona fide* occupation, of any person or persons in an interest adverse to the person or persons entitled to a conveyance thereto in pursuance of the provisions of this act, *provided*, that the actual possession of such *bona fide* adverse occupant, shall have commenced prior to the twenty-fifth day of January A. D. 1883.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

Approved February 11, 1883.

AN ACT

CONCERNING INDICTMENTS AND INFORMATION.

Be it enacted by the General Assembly of the State of Colorado:

Particular kind of money taken need not be set out in an indictment. SECTION 1. That in every indictment or information in which it shall be necessary to make any aver-

ment as to any money or any note being or purporting to be made or issued by virtue of any law of the United States, it shall be sufficient to describe such money or note simply as money, without specifying any particular coin or note, and such allegation shall be sustained by proof of any amount of coin or of any such note or notes, although the particular species of coin of which such amount was composed, or the particular nature of such note or notes shall not be proved.

Approved February 11, 1883.

AN ACT

TO AMEND SECTIONS EIGHTEEN, TWENTY AND TWENTY-FIVE, OF CHAPTER TWENTY-FOUR, OF THE GENERAL LAWS OF THE STATE OF COLORADO, ENTITLED, "CRIMINAL CODE," AND TO REPEAL SECTIONS THREE AND FOUR OF AN ACT ENTITLED, "AN ACT TO AMEND CHAPTER XXIV OF THE GENERAL LAWS OF THE STATE OF COLORADO, ENTITLED, "CRIMINAL CODE," APPROVED MARCH 1, 1881.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That section eighteen, of chapter twenty-four, of the general laws of the State of Colorado, entitled, "Criminal Code," be and the same is hereby amended so as to read as follows: Murder defined.

Section 18. Murder is the unlawful killing of a human being with malice aforethought, either express or implied. The unlawful killing may be effected by any of the various means by which death may be occasioned.

SEC. 2. That section twenty of said chapter be and the same is hereby amended so as to read as follows:

What constitutes
murder in the
first degree.

Section 20. Malice shall be implied when no considerable provocation appears, or when all circumstances of the killing show an abandoned and malignant heart. All murder which shall be perpetrated by means of poison, or lying in wait, torture, or by any kind of wilful, deliberate and premeditated killing; or which is committed in the perpetration or attempt to perpetrate any arson, rape, robbery, mayhem or burglary; or perpetrated from a deliberate and premeditated design, unlawfully and maliciously to effect the death of any human being other than him who is killed; or perpetrated by any act greatly dangerous to the lives of others, and indicating a depraved mind regardless of human life, shall be deemed murder of the first degree, and all other kinds of murder shall be deemed murder of the second degree. The jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, designate by their verdict whether it be murder of the first or second degree. Every person convicted of murder of the first degree, shall suffer death, and every person convicted of murder of the second degree, shall suffer imprisonment in the penitentiary for a term not less than ten years, and which may extend to life. If any person indicted for murder shall plead guilty to the indictment, the court shall thereupon empanel a jury as in other cases, to whom shall be submitted as the sole issue in the case, the question whether the killing was murder of the first or second degree. The jury in every such case shall find the degree thereof, and the court shall thereupon give sentence accordingly.

Second degree.

Penalties.

Where prisoner
pleads guilty.

Voluntary and in-
voluntary man-
slaughter.

SEC. 3. Section twenty-five of said chapter is hereby amended so as to read as follows:

Section 25. Whenever a jury shall find a person guilty of manslaughter they shall designate by their verdict whether it be voluntary or involuntary manslaughter. Every person convicted of voluntary manslaughter shall be punished by imprisonment in the penitentiary for a term not less than one year and which may extend to a term of eight years; and any person convicted of involuntary manslaughter shall be punished by imprisonment in the county jail for a term not exceeding one year.

Penalties.

SEC. 4. That sections three and four of an act entitled "An Act to amend Chapter XXIV of the general laws of the State of Colorado, entitled Criminal Code," approved March 1, 1881, be and the same are hereby repealed. Repeals sections 3 and 4 chapter 24.

SEC. 5. Nothing in this act shall be held to apply to or in any manner affect any indictment, trial, writ of error, appeal, or other proceeding, judgment or sentence in cases of murder or manslaughter now pending in the district courts or supreme courts of this State; and the same shall be held and conducted and adjudged as provided by the law in force before this act shall take effect. Any murder or manslaughter which shall have been perpetrated before this act takes effect shall be enquired of, prosecuted and punished in accordance with the law in force at the time such murder or manslaughter was perpetrated. Not to affect cases now pending.

Approved March 12, 1883.

AN ACT

IN RELATION TO CRIMINAL PROCEEDING IN COURTS OF RECORD.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. In the trial of criminal cases in courts of record the instructions of the court to the jury shall be given in writing, and before argument is made by counsel to the jury, if the same shall be requested by the district attorney or by counsel for the defense. Instructions before argument.

Approved February 10, 1883.

AN ACT

AMENDING THE CRIMINAL CODE AND PROVIDING FOR THE PUNISHMENT OF PERSONS OBSTRUCTING RAILROAD TRACKS AND ENDANGERING THE SAFETY OF PASSENGERS.

Be it enacted by the General Assembly of the State of Colorado:

Obstructing railroad or tramway.

SECTION. 1. If any person shall wilfully and intentionally place any obstruction upon the track of any railroad or tramway operated by steam or in any other manner with the intention to wreck any train of cars or throw the same, or any part thereof from the track of such railroad, or to endanger the safety of any train of cars passing over such track, or if any person shall set fire to and burn, or otherwise destroy any bridge or other superstructure of any railroad of this State, with the like intent, he shall be adjudged guilty of felony, and shall be liable to indictment, and on conviction shall be punished by imprisonment in the penitentiary not less than five nor more than fifteen years.

Penalty.

Attempt to obstruct railroad or tramway.

SEC. 2. Any person who shall attempt to commit any or either of the offences named in the preceding section, and in such attempt shall do any act towards the commission thereof, but shall fail in the perpetration of such offence, or shall be prevented or intercepted in executing the same, shall be adjudged guilty of felony, and shall be liable to indictment, and on conviction shall be punished by imprisonment in the penitentiary not less than two years nor more than five years.

Penalty.

Throwing stones at any trains.

SEC. 3. If any person shall wilfully and maliciously throw a stone or stones or any other missile, at or against any train of passenger or freight cars, or any part thereof, or the engine hauling the same, passing along or over any railroad of this State, he shall be guilty of a misdemeanor, and shall be liable to indictment, and upon conviction shall be punished by a fine not exceeding two

Penalty.

hundred and fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Approved February 11, 1883.

AN ACT

TO CREATE AND ESTABLISH CRIMINAL COURTS IN THE COUNTIES OF ARAPAHOE, LAKE AND PUEBLO RESPECTIVELY AND TO DESIGNATE THE TIME FOR HOLDING THE TERMS THEREOF.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. Criminal courts are hereby created and established one in and for the county of Aarpahoe, one in and for the county of Lake and one in and for the county of Pueblo, in the State of Colorado, to be organized and maintained, and to have and exercise such jurisdiction and powers, and to be governed by such practice and procedure as now are or may hereafter be provided by law for such courts, or made applicable to such courts. Creation of the courts.

SEC. 2. Four terms of the criminal courts shall be held in each of said counties in each year, commencing on the first Monday of March, the first Monday of June, the first Monday of September and the first Monday of December respectively. Terms.

SEC. 3. Inasmuch as an emergency exists this act shall take effect from and after its passage. Emergency.

Approved February 1, 1883.

AN ACT

TO PROVIDE FOR THE ORGANIZATION AND MAINTENANCE OF CRIMINAL COURTS; TO PRESCRIBE THE JURISDICTION, POWERS, PROCEEDINGS AND PRACTICE OF SUCH COURTS, AND TO DEFINE THE DUTIES AND QUALIFICATIONS OF THE JUDGES AND OTHER OFFICERS CONNECTED THEREWITH, AND TO REPEAL AN ACT, ENTITLED "AN ACT TO CREATE AND ESTABLISH A CRIMINAL COURT IN THE COUNTY OF ARAPAHOE," ALSO AN ACT ENTITLED "AN ACT TO CREATE AND ESTABLISH A CRIMINAL COURT IN THE COUNTY OF LAKE," AND ALL OTHER ACTS, AND PARTS OF ACTS INCONSISTENT WITH THIS ACT.

Be it enacted by the General Assembly of the State of Colorado :

Name.

SECTION 1. Whenever a criminal court shall be created and established in and for any county of this State, it shall be named and styled the criminal court of such county.

Jurisdiction.

SEC. 2. Criminal courts shall have concurrent jurisdiction with the district court of the same county in all criminal cases, not capital, and such appellate jurisdiction as may be provided by law.

Shall be courts of record.

SEC. 3. Criminal courts shall be courts of record, and shall possess all the powers, perform the duties and be subject to the restrictions of a court of record, as such, according to the laws of this State.

Same practice as in district courts.

SEC. 4. Criminal courts shall be governed by the practice and proceedings which are now, or may hereafter be prescribed by law for district courts in criminal cases, so far as the same can be made applicable, and are not inconsistent with the provisions of this act.

SEC. 5. Writs of errors, in case of final judgment or decision by any criminal court, shall be allowed by, and prosecuted in the supreme court in the manner and with the effect in all respects as is or may be prescribed by law in cases of writs of error, from the supreme court to the district court in criminal cases.

Writs of error to supreme court.

SEC. 6. The judge of a criminal court shall possess the same qualifications prescribed by law for the judges of the district courts, and shall receive as compensation a salary of four thousand dollars per annum, to be paid in the same manner as district judges are paid; he shall be appointed by the Governor, by and with the advice and consent of the senate, and shall hold his office for the period of four years, commencing from the date of his qualification, and until his successor is appointed and qualified, and he may be removed from office for the same causes and in the same manner as the judge of the district court. The judge of a criminal court shall before entering upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States and of the State of Colorado, and to faithfully perform the duties of his said office, and shall file such oath with the secretary of State within twenty days from the date of his confirmation. No judge of a criminal court shall receive any other compensation, perquisite or emolument, for or on account of his office in any form whatever, except his salary as aforesaid, nor shall he act as an attorney or counselor at law.

Judge; qualification and compensation.

Appointed by Governor.

Term of office.

Oath.

No other compensation.

shall not act as attorney.

SEC. 7. Whenever a vacancy occurs in the office of judge of said court, the same shall be filled by the board of county commissioners of the proper county, and the person thus appointed shall hold the office until the end of the next regular session of the State senate, and until his successor is appointed and qualified. Whenever the board of county commissioners shall have made an appointment as above provided, the clerk of such board shall immediately thereafter deliver, or cause to be delivered, to the person so appointed, a certificate of his appointment, attested in the name of such clerk and by the seal of said county; and the person so appointed, upon filing said certificate together with his oath of office, in the office of the secretary of state, within ten

Vacancy how filled

days after the date of said appointment, shall be duly qualified. If the person so appointed shall fail to file his oath of office together with his certificate of appointment, it shall be deemed that he refuses to accept such office, and the board of county commissioners shall immediately make another appointment in like manner.

Judge to be conservator of the peace.

Administer oath and grant habeas corpus.

SEC. 8. The criminal courts, or judges thereof, in vacation, shall be conservators of the peace in their respective counties, and shall have all the powers of the district court or judges thereof in criminal cases not capital. They may administer oaths in all matter pending before them, or before their courts, or connected therewith, and may grant writs of *habeas corpus* to bring before them, either in term time or vacation, any person committed or detained for any criminal or supposed criminal matter not capital, by the warrant or judgment of their own courts respectively, of any justice of the peace or police magistrate of their respective counties, and may hear and determine all such matters according to the laws of this state.

Clerk; appointment, duties, powers, compensation, etc.

SEC. 9. There shall be a clerk of each criminal court to be appointed by the judge thereof, who shall hold his office during, and may be removed at the pleasure of such judge, and the provisions of the statutes of this State in relation to the powers, duties, compensation and liabilities of the clerks of district courts, so far as the same can be made applicable and are not inconsistent with the provisions of this act, shall apply to and govern the clerks of criminal courts, and be in force in relation to them; and the law authorizing the employment of stenographic reporters in the district courts shall apply to criminal courts.

Seal.

SEC. 10. Each criminal court shall have a seal to be provided by the board of county commissioners of the proper county, and the process of such court shall be under such seal and be attested by the name of the clerk thereof.

County to furnish books, stationery and furniture.

SEC. 11. The board of county commissioners of any county in which a criminal court shall be established shall furnish at the expense of said county for the use of said court and clerk and other officers thereof, suitable

books and stationery, together with appropriate cases and furniture for the safe and convenient keeping of all books, documents and papers belonging and pertaining to said court.

SEC. 12. The criminal court shall be held in such Where held. place, at the county seat of the proper county, as shall be provided by the board of commissioners of such county, and the expense thereof shall be paid in the same manner as provided by law for the district court.

SEC. 13. The district attorney of the judicial district in which any criminal court shall be established, shall be the prosecuting attorney of said court, and shall exercise in addition to the powers and duties provided by this act, the same powers, perform the same duties and receive the same compensation for his services therein, to be paid in the same manner as provided by law for similar duties and services in the district court; *Provided*, that for the drawing and presenting of each information as hereinafter required, the district attorney's fees shall be five (5) dollars, but the same shall not be allowed or paid, unless the defendant or one of them named therein shall be finally convicted thereunder. District attorney, duties and compensation.

SEC. 14. In case the district attorney shall fail to attend upon the criminal court at any term thereof, or part of any term, such court shall appoint some competent attorney at-law as special district attorney, who shall in the mean time perform the services of the district attorney and receive the compensation provided therefor by law. special district attorney.

SEC. 15. The sheriff of the county in which any criminal court shall be established, shall have the same powers, perform the same duties, be liable to the same penalties and receive the same compensation for his services in the criminal court, and for the execution of its orders and process as is provided by law for similar services in the district court. Sheriff, duties, liabilities and compensation.

SEC. 16. Upon the appointment and qualification of the judge of any criminal court in any county, the district court of such county may in its discretion make an order transferring and removing to said criminal court Removal of causes from district court.

such criminal case or cases, not capital, as may be pending or may thereafter be brought or instituted in said court, wherein the defendant or defendants, are in custody or in confinement, awaiting trial or other proceedings before trial, and in such criminal case or cases, not capital, which may be pending or may thereafter be brought or instituted in such district court, wherein the defendant or defendants are at liberty upon recognizance, such district court may, in its discretion, upon the appearance of such defendant or defendants in obedience to the exigency of his or their recognizance, cause the said defendant or defendants to enter into other or new recognizance, requiring said defendant or defendants to be and appear in said criminal court upon the first day of the next regular term thereof, or upon the next or any succeeding day thereafter, if said criminal court be then in session, and further conditioned as required by law of the appearance of defendants and in such cases, and thereupon transmit and remove such case or cases to said criminal court, and upon the making of such order or removal by the district court it shall be the duty of the clerk of said district court to immediately transmit and deliver to the clerk of said criminal court all indictments, informations and recognizances, and also a transcript of the record of proceedings in any case where said district court may have taken any action, and all such cases so removed shall be proceeded with to final determination in said criminal court in all respects as they might have been if the same had remained in said district court. The clerk of the district court shall be entitled to a fee of one dollar for each criminal case certified and removed as provided in this section, to be paid by the county, which shall not be taxed against the defendant in any event, and the clerk shall not receive any other or additional fee for his services in transmitting and certifying any such criminal case.

Appeals from justice and police court.

SEC. 17. After the organization of a criminal court in any county, the county court of such county shall not entertain appellate jurisdiction of any offence tried and determined before a justice of the peace or a police magistrate of any city or town in such county, either under the statutes of this State or the ordinances of such city or town, but appeal shall be taken and allowed in such

cause to the criminal court of such county in the same manner and on the same conditions as is now provided by law for the removal of such causes by appeal to the county court of such county; *Provided*, that the county court shall entertain and dispose of all appeals that may be pending or shall have been perfected to such court before the establishment of said criminal court; and said criminal court shall be considered organized for this purpose when the judge thereof shall have taken and filed his oath of office, or his certificate of appointment and oath of office, as prescribed by this act.

County court shall dispose of all appeals now pending

SEC. 18. After the establishment of a criminal court in any county, all recognizances in criminal cases, except capital cases taken before any judge or justice of the peace in such county, or concerning any offence alleged to have been committed in such county, shall be made returnable to said criminal court, and it shall be the duty of the officer taking the same to certify and return all papers in such cases to said criminal court.

Recognizances in criminal cases returnable to this court.

SEC. 19. Upon the forfeiture of any recognizance or bail bond taken in or returnable to any criminal court, the clerk thereof shall immediately certify the same, together with the transcript of all papers and proceedings necessary to an understanding thereof, into the district court of the same county, and the district court shall thereupon proceed to a final determination of all such matters in all respects as though said forfeiture had been taken in the district court in the first instance.

Upon forfeiture of recognizance, clerk to certify to district court.

SEC. 20. Changes of venue shall be allowed from criminal courts for the same causes and in the same manner as is now or may hereafter be provided by law for changes of venue in district courts, in criminal cases, *provided*, that when a change of venue is applied for on account of the prejudice of the judge of any criminal court the change if allowed, shall be to the district court of the same county.

Change of venue.

SEC. 21. All criminal cases, not capital, removed from any other county to a county where a criminal court is established, shall be removed and certified into the criminal court thereof, to be there tried and determined.

Removal of cases.

Jurors how drawn.

SEC. 22. It shall be the duty of the board of county commissioners of the county wherein any criminal court is established, to select and certify to the clerk of said court the names of persons qualified to serve as jurors in the same manner as they are required by law to select and certify the names of persons qualified to serve as jurors in the district court, and in case of the failure of such board so to do, the judge of said criminal court shall have the power to cause jurors to be summoned by an open *venire*, as necessity may require, and in general the law relating to the selection of jurors for the district courts and the powers and duties of the district courts, and the judges thereof, as therein defined shall be applicable to and may be exercised by the criminal courts and the judge thereof, so far as not inconsistent with this act; *Provided*, however, that the said commissioners need not select or certify more than half as many names of persons to serve as jurors for each term of any criminal court as they are now required to do for the district court of the same county, *and provided further*, that the commissioners need not select and certify such names more than thirty days before the time appointed for holding the criminal court in such county and the clerk of the criminal court need not draw the names of persons to serve as jurors in the criminal court more than twenty days prior to the term of the court at which they are to serve.

No grand jury.

Informations.

SEC. 23. No grand jury shall be summoned or empanelled in any criminal court but the prosecution of all offences whether denominated felonies or misdemeanors, when originally commenced or instituted in such court, shall be by information presented to and filed in said court; such information shall be signed, verified and presented by the said district attorney or by the special district attorney appointed by the court as provided by this act. The verification of an information shall be by affidavit or affirmation taken and subscribed before some officer of this State authorized to administer oaths and affirmations and shall be to the effect that the affiant has carefully investigated the facts stated in said information and believes the same to be true in substance, and that the law and the ends of justice require the prosecution of the same as charged therein. Such verification shall not

be taken upon the trial as any evidence of the truth of the information or of the matters therein charged, and shall not be alluded to by the court or by the council, either for the prosecution or defence, nor by any other person. The verification of the district attorney or the special district attorney, shall not be written upon or annexed to the information, but shall accompany the same and be filed along with it, but in no event shall the verification be read by or submitted to the jury trying the case.

SEC. 24. When an information shall be presented to a criminal court, as provided by this act, the fact of such presentment and the title of the cause, as substantially shown by said information, shall be recorded in the minutes of the proceedings of said court in a form similar to that required when an indictment is presented by the grand jury in the district court, and thereupon the same shall be filed with the clerk of said court, and a writ of *capias* shall issue for the arrest of the accused, substantially the same as is required in the case of persons indicted in the district court, and in fixing of bail, allowance of motions, pleadings and all interlocutory proceedings upon such information, and also in the final trial or determination thereof, the criminal court shall conform as near as may be to similar proceedings in the district court upon indictments for like or similar offences.

Information re-
corded.

Capias issue for
arrest of the ac-
cused.

Bail motions, plead-
ings etc.

SEC. 25. The information shall be substantially like an indictment, and shall contain a statement of the offense charged, and of the facts constituting such offense, with the same particularity as is required in an indictment for a like offense in the district court, under the laws of this State. The names of the witnesses for the prosecution shall be indorsed upon the information, and no witness shall be examined for the people at the trial, unless the name of such witness is indorsed as aforesaid, or furnished to the defendant before the trial; *Provided*, that at any time during the progress of a trial the court may allow the name of a witness to be indorsed on the information with the same force and effect as though such name had been indorsed thereon at the time of the filing thereof; and *Provided*, that the district attorney shall not be precluded from calling witnesses in rebuttal whose

Information shall
correspond with
indictment, what
it shall set forth.

Against whom information may be filed.

names are not so indorsed or furnished. The district attorney shall not file an information against any person or persons except in the following cases:

1. Against a person held to bail or committed to custody for want of bail by a police magistrate, justice of the peace or other judicial officer for a public offense.

2. Against a person who has been charged with a public offense in an affidavit or affirmation made and subscribed before an officer authorized by law to administer oaths, by a person competent to testify in a court of justice. The said affidavit or affirmation shall be filed by the district attorney in the said criminal court along with the information and other papers in the case, but shall not be read or referred to at the trial by the people, unless the same shall be first read or referred to by the defendant or his counsel.

Repeal of acts establishing criminal courts in Arapahoe and Lake counties.

SEC. 26. An act entitled, "An Act to Create and Establish a Criminal Court in the County of Arapahoe," approved February 26th, 1881; also an act entitled, "An Act to Create and Establish a Criminal Court in the County of Lake," approved March 4th, 1881, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; but the repeal of any such acts or parts of acts shall not be held to take away any right or remedy accruing under any of the acts or parts of acts repealed.

Emergency.

SEC. 27. Inasmuch as an emergency exists, this act shall take effect from and after its passage.

Approved February 7, 1883.

AN ACT

TO AUTHORIZE DISSECTION IN CERTAIN CASES
FOR THE ADVANCEMENT OF SCIENCE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That any member of either of the following boards of officers, to wit: The board of health of

any city, village or township in the State; the mayor or common council of any city, and the officers or board having direction or control of any alms-house, prison, hospital, house of correction or jail, in the State, shall, when so requested, surrender the dead bodies of such persons as may be required to be buried at the public expense, to any licensed physician in the State, to be by him used for the advancement of anatomical science, preference being given to the faculty of legally organized medical colleges, or schools of anatomy, for their use in the instruction of medical students; *Provided*, that in no case shall the faculties or other officers be entitled to require or receive from any medical student or students, for such body furnished therein, any sum of money in excess of the actual cost of procuring the same.

Bodies of certain persons to be surrendered to physicians.

SEC. 2. No such body shall in any case be so surrendered if the deceased during his or her last illness requested to be buried, or if within twenty-four hours after his or her death, any person of kindred or a friend to the deceased shall request the body for burial, or if such deceased was a stranger or traveler, who died suddenly before making himself or herself known.

Not to be surrendered when deceased has requested to be buried or friend asks for body.

SEC. 3. It shall not be lawful for any person so receiving a dead body, to use the same, except for the prosecution of anatomical science, or elsewhere than in this State; and after being so used, the remains thereof shall be decently buried.

To be used only for benefit of science and in this State.

SEC. 4. Any licensed physician or surgeon of the State, or any medical student, under the authority of such physician or surgeon, may have in his possession human dead bodies, or the parts thereof, lawfully obtained, for the purposes of anatomical inquiry or dissection.

Physician may have bodies in their possession.

Approved February 10, 1883.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO ESTABLISH JUDICIAL DISTRICTS IN THE STATE OF COLORADO, AND TO PROVIDE FOR THE HOLDING OF DISTRICT COURTS THEREIN, AND THE MANNER OF COMMENCING AND ADJOURNING THE SAME, AND RETURN OF PROCESS AND PROVIDING FOR TRANSFER OF CAUSES THEREIN, AND FOR CONTINUING CAUSES THEREIN IN CASE OF ADJOURNMENT, AND TO REPEAL ALL OTHER ACTS IN RELATION THERETO," APPROVED MARCH 5, 1881.

Be it enacted by the General Assembly of the State of Colorado:

Fourth district;
terms of court.

SECTION 1. Section five of said act is hereby amended so as to read as follows: The following named counties shall constitute the fourth district, to wit:

Douglas, Elbert, El Paso, Park and Chaffee. Terms of the district court shall be held in said district as follows, commencing at the days following in each and every year: In the county of Elbert, on the first Tuesday of March; in the county of El Paso, on the first Monday of April, and on the first Monday in November; in the county of Park, on the third Monday of April, and on the first Monday in October; in the county of Chaffee, on the second Monday of January, on the second Monday of May, and on the second Monday of September; in the county of Douglas, on the first Monday in December.

Sixth district;
terms of court.

SEC. 2. That section seven shall be amended to read as follows: The following named counties shall constitute the sixth district, to wit: Tremont, Custer, Costilla, Conejos, Rio Grande and Saguache. Terms of the district court shall be held in the said district as follows: Commencing at the days following in each and every year: In the county of Saguache, on the first Monday of February and on the first Monday of September; in the

county of Custer, on the third Monday of February and on the third Monday in September; in the county of Costilla, on the second Monday in March and on the second Monday in October; in the county of Conejos, on the third Monday in March and on the third Monday in October; in the county of Rio Grande, on the first Monday in April and on the second Monday in November; in the county of Fremont, on the fourth Monday in April and the fourth Monday of November.

SEC. 3. The following counties shall constitute the seventh judicial district of the State of Colorado, to-wit: Mesa, Delta, Montrose, Gunnison, Hinsdale, Ouray, San Juan, Dolores and La Plata. Terms of the district court shall be held in said district as follows: In the county of Mesa, on the second Monday in January; in the county of Delta, on the fourth Monday of January; in the county of Montrose, on the first Monday in February; in the county of Hinsdale, on the first Monday of April and the third Monday of August; in the county of Gunnison, on the third Monday of February, second Monday of July and first Monday of December; in the county of Ouray, on the fourth Monday of April and the third Monday of September; in the county of San Juan, on the first Monday of June and first Monday of September; in the county of La Plata, on the third Monday of June and the first Monday of November; in the county of Dolores, on the second Monday of May and the second Monday of October.

SEC. 4. All cases, issues, and proceedings, civil or Cases pending. criminal now pending in the district courts of any of the counties above named, including attachments, shall be held to be pending at the first term of said court as fixed by this act, and may be regularly proceeded with at such term in the same manner as though pending at the next regular term as fixed by law before the passage of this act.

SEC. 5. All acts and parts of acts inconsistent with Repeal. this act are hereby repealed.

SEC. 6. It is the sense of the general assembly that Emergency. an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved February 15, 1883.

AN ACT

TO AMEND SECTION 7. OF AN ACT ENTITLED
"AN ACT TO ESTABLISH JUDICIAL DISTRICTS
IN THE STATE OF COLORADO, AND TO PRO-
VIDE FOR THE HOLDING OF DISTRICT
COURTS THEREIN AND THE MANNER OF
COMMENCING AND ADJOURNING THE SAME,
AND RETURN OF PROCESS, AND PROVIDING
FOR TRANSFER OF CAUSES THEREIN, AND
FOR CONTINUING CAUSES THEREIN IN CASE
OF ADJOURNMENT, AND TO REPEAL ALL
OTHER ACTS IN RELATION THERETO."

Be it enacted by the General Assembly of the State of Colorado :

Sixth district.

SECTION 1. That section seven of an act entitled an act "to establish judicial districts in the State of Colorado, and to provide for the holding of district courts therein, and the manner of commencing and adjourning the same and return of process, and providing for transfer of causes therein, and for continuing causes therein in case of adjournment, and to repeal all other acts in relation thereto," approved March 5, 1881, be amended as follows:

Section 7. The following named counties shall constitute the sixth district, to-wit: Fremont, Custer, Costilla, Conejos, Rio Grande and Saguache. Terms of the district court shall be held in the said district as follows: Commencing at the days following in each and every year: In the county of Saguache on the first Monday of February and on the first Monday of September; in the county of Custer on the third Monday in February and on the third Monday in September; in the county of Costilla on the second Monday in March and on the second Monday in October; in the county of Conejos on the third Monday in March and on the third Monday in October; in the county of Rio Grande on the first Monday in April and on the second Monday in November; in the county of Fremont on the fourth Monday in April and on the fourth Monday in November.

SEC. 2. All acts and parts of acts in conflict with ~~Repeal.~~
this act be and the same are hereby repealed.

SEC. 3. In the opinion of the general assembly an ~~Emergency.~~
emergency exists, therefore this act shall take effect and
be in force from and after its passage.

Approved February 11, 1883.

AN ACT

TO AMEND SECTION FOUR (4) OF AN ACT
TO ESTABLISH JUDICIAL DISTRICTS IN
THE STATE OF COLORADO, AND TO
PROVIDE FOR THE HOLDING OF DISTRICT
COURTS THEREIN, AND THE MANNER
OF COMMENCING AND ADJOURNING THE
SAME, AND RETURN OF PROCESS AND
PROVIDING FOR TRANSFER OF CAUSES
THEREIN, AND FOR CONTINUING CAUSES
THEREIN IN CASE OF ADJOURNMENT, AND
TO REPEAL ALL OTHER ACTS IN RELATION
THERETO.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That section four (4) of said act be
amended by reading as follows, to wit: The following
counties shall constitute the third district, to wit: ^{Third district;}
Pueblo, Bent, Las Animas and Huerfano. Terms of the ^{terms of court.}
district court shall be held in said district as follows,
commencing at the days following in each year: In the
county of Pueblo, on the third Monday of April and
the third Monday of November; in the county of Las
Animas, on the first Monday of March and on the third
Monday of September; in the county of Bent, on the
first Monday of September; in the county of Huerfano,
on the second Monday of July.

Emergency.

SEC. 2. Whereas, it is in the opinion of this General Assembly, that under the law so amended, an emergency exists, therefore this act to be in force from its passage.

Approved February 19, 1883.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO ESTABLISH JUDICIAL DISTRICTS IN THE STATE OF COLORADO, AND TO PROVIDE FOR THE HOLDING OF DISTRICT COURTS THEREIN, AND THE MANNER OF COMMENCING AND ADJOURNING THE SAME, AND RETURN OF PROCESS AND PROVIDING FOR TRANSFER OF CAUSES THEREIN, AND FOR CONTINUING CAUSES THEREIN IN CASE OF ADJOURNMENT, AND TO REPEAL ALL OTHER ACTS IN RELATION THERETO."

Be it enacted by the General Assembly of the State of Colorado:

SECTION. 1. That section six (6) of an act entitled, "an act to establish judicial districts in the State of Colorado, and provide for the holding of district courts therein, and the manner of commencing and adjourning the same, and return of process, and providing for transfer of causes therein, and for continuing causes therein in case of adjournment, and to repeal all other acts in relation thereto," be and the same is hereby amended so as to read as follows, to-wit:

Fifth district;
terms of court.

Section 6. The following named counties shall constitute the fifth district to-wit: Lake, Pitkin and Summit. Terms of the district court shall be held in said district as follows: Commencing on the days following in each and every year: In the county of Lake on the first Monday of March, on the first Monday of August and on

the first Monday of November; in the county of Summit on the fourth Monday of May and on the first Monday of October, and in the county of Pitkin on the first Monday of July.

SEC. 2. All cases, issues and proceedings, civil or Cases pending. criminal now pending in the district court or any of the counties above named, either upon change of venue or otherwise, in which there has been service of process including writs of attachment, publication or appearance by the several parties to any former term, or which may have been brought under the provisions of the code, shall be held to be pending at the first term of said court as fixed by this act, and may be regularly proceeded with at such term in the same manner as though pending at the next regular term as fixed by law before the passage of this act.

Approved February 10, 1883.

AN ACT

TO PROVIDE FOR DRAINAGE OF LANDS FOR AGRICULTURAL AND SANITARY PURPOSES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That whenever one or more owners or occupants of lands shall desire to construct a drain or drains, ditch or ditches, across the lands of others for agricultural or sanitary purposes, such person or persons may file a petition in the county court of the county in which the drain or drains, ditch or ditches, shall be proposed to be constructed, setting forth the necessity of the same with a description of its or their proposed starting point, route and terminus, and may pray for the appointment of commissioners for the construction of such work pursuant to the provisions of this chapter. To cross lands of others; what petition to be filed. Commissioners.

SEC. 2. Such petition having been filed as provided in the preceding section, the petitioner shall cause at least two weeks' notice to be given by posting notices in Notices of petition what to state and where to be posted.

at least three of the most public places in each township through which the drain or drains, ditch or ditches, is or are proposed to be constructed. Such notices shall state when and in what court the petition is filed, the starting point, route and terminus of the proposed drain or drains, ditch or ditches, and at what term of court the petitioners will ask a hearing upon such petition.

County court; how
petition to be dis-
posed of.

SEC. 3. The county court in which such petition shall be filed may hear the petition at any probate or law term thereof and may determine all matters pertaining thereto under this act, and may adjourn the hearing from time to time or continue the case for the want of sufficient notice or other good causes.

When drain or ditch
is in two counties

SEC. 4. In case the drain or drains, ditch or ditches, to be constructed shall pass through, or over, or be constructed upon lands lying in different counties, the petitioners may file in either county court.

Hearing of petition;
who may contest.

SEC. 5. On the hearing of any petition filed under the provisions of this act, all parties through or upon whose land any of the proposed work may be constructed or whose lands may be damaged or benefited thereby may appear and contest the necessity or utility of the proposed work or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto. If it shall appear to the court that the proposed drain or drains, ditch or ditches is or are necessary or will be useful for the drainage of the lands proposed to be drained thereby for agricultural and sanitary purposes, the court shall so find and appoint three competent persons as commissioners to lay out and construct such proposed work. In case the lands to be drained shall be situated in different counties, not more than two of the commissioners shall be chosen from any one of such counties. If the court shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners.

Commission-
ers shall sub-
scribe an oath.

SEC. 6. Before entering upon the duties of their office, such commissioners shall take and subscribe an oath, faithfully to discharge the duties of their office without favor or partiality, and to render a true account of their doings to the court by which they were appointed whenever required by law or order of the court.

SEC. 7. They shall elect one of their number chairman, and may elect one of their number, or some other person as secretary. Elect chairman and secretary.

SEC. 8. A majority of the commissioners shall constitute a quorum; and a concurrence of a majority of their number in any matter within their duties shall be sufficient. Majority a quorum.

SEC. 9. As soon as may be after their appointment, or within such time as the court may direct, the commissioners shall examine the land of the petitioners proposed to be drained, and the lands over and upon which the work is proposed to be constructed, and inquire and determine: Duties.

First. Whether the starting point, route and terminus of the proposed drain or drains, ditch or ditches, the proposed location thereof, is or are in all respects proper or most feasible, and if not what is or what are so.

Second. The probable cost of the proposed work, including all incidental expenses, and the expense of the proceeding therefor.

Third. What lands will be injured thereby and the probable aggregate amount of all damages such lands will sustain by reason of the laying out and construction of the proposed work.

Fourth. What lands will be benefited by the construction of the proposed work, and whether the aggregate amounts of benefits will equal or exceed the costs of constructing such work, including all incidental expenses and costs of proceeding.

SEC. 10. If the commissioners shall find that such costs and expenses are more than equal to the benefits there will be bestowed upon the land to be benefited, they shall so report, and the proceedings shall be dismissed at the cost of the petitioners. Expenses exceeding benefits.

SEC. 11. If the commissioners shall find that the proposed work, or such portion of the same as will be satisfactory to the petitioners, can be done at a cost and expense not exceeding such benefit, they shall proceed to Benefits exceeding expenses.

have the proper surveys, profiles, plans and specifications thereof made, and shall report their conclusions and a copy of such surveys, profiles, plans and specifications to the court which appointed them.

Powers of the commissioners.

SEC. 12. The commissioners shall not be confined to the point of commencement, route or terminus of the drains or ditches or to the number, extent or size of same, but shall locate, design, lay out and plan the same in such manner as they shall think will drain the petitioners' land with the least damage and greatest benefit of all lands to be affected thereby; and any plans proposed by such commissioners may, on the application of any person interested, or of the commissioners, be altered upon the order of the court in such manner as shall appear to the court to be just.

How notices of reports to be posted.

SEC. 13. Upon the report of the commissioners being filed with the clerk of the court, appointing such commissioners, they shall cause notice to be given in the same manner as is provided in section two of this charter, which notice shall state the time of filing such report, and upon what day application will be made for the confirmation of such report, at which time all persons interested may appear and contest the confirmation thereof, or that the same ought to be modified in any particular, and may offer any competent evidence in support thereof.

Contests.

County court to hear and may confirm or modify and make orders, &c

SEC. 14. If upon the hearing the court shall give opinion the objections are not well taken or if no objection shall be made it shall order the confirmation thereof. If it shall appear that the same ought to be modified and the court shall be sufficiently informed in the premises it shall modify the same to conform to the equities in the premises, or if not sufficiently informed, it shall order the commissioners to review and correct their report, and may make specific directions in what respect they shall reform their report, and the court may make all necessary orders in the premises, either for the continuance of the hearing, or other lawful purposes.

Amending reports.

SEC. 15. If the report is referred back to the commissioners for amendment, the court may fix a day when the commissioners shall again present their report, in

which case the hearing shall stand adjourned to that day, and no further notice shall be required thereof. If no day shall be fixed for such report the cause shall be continued to the next term of court, when it shall stand for hearing.

SEC. 16. When the report of the commissioners shall be confirmed, the court may impanel a jury of twelve men competent to serve as jurors, who shall be sworn to faithfully and impartially perform the duties required of them to the best of their understanding and judgment, and to make their assessment of damages and benefits according to law, or the court may direct that a jury be impaneled before a justice of the peace, for the assessment of damages and benefits in which case the commissioners may apply to any justice of the peace in the county, who shall immediately, without the formality of any written application, proceed to summons and impanel a jury of six men competent to serve as jurors, who shall be sworn in the same manner as is provided in case of a jury impaneled by the court in which the proceeding is pending, and the justice shall enter upon his docket a minute of such proceeding before him, and the names of the jurors.

Jury to assess damages and benefits.

SEC. 17. In either case the jurors shall elect one of their number as foreman, and shall proceed to examine the land to be affected by the proposed work, and ascertain to the best of their ability and judgment, the damages and benefits which will be sustained by or will accrue to, the land so affected by the construction of the proposed work, and shall make out an assessment roll in which shall be set down in proper columns the names of owners, when known, a description of the premises affected, in words or figures or both, as shall be most convenient, the number of acres in each tract and if damages are allowed the amount of the same, and if benefits are assessed, the amount of the same, and in case damages are allowed to and benefits assessed against the same tract of land, the balance, if any, shall be carried forward to a separate column for damages or benefits as the case may be.

Jury to examine the lands.

SEC. 18. In making such assessment the jury shall award and assess the damages and benefits in favor of

forward and assess each tract separately.

and against each tract separately, in the proportion in which such tract of land will be damaged or benefited; and in no case shall any tract of land be assessed for benefits in a greater amount than its proportionate share of the estimated cost of the work and expenses of the proceeding, nor in a greater amount than it will be benefited by the proposed work, according to the best judgment of the jury.

May deduct for
work already done
by owner.

SEC. 19. Whenever it shall appear to the jury that a drain, ditch or other work, has been, in whole or in part, constructed for the purpose of draining any land to be affected by the work proposed under this chapter, and such work shall be found to be of benefit to such lands, and any of the lands to be benefited have borne any part of the expense of such work, either pursuant to an assessment or otherwise, the jury may allow to the owner of such land, and deduct from the assessment which they may make against the same, the amount of the expense of such work so borne by such lands or such part thereof, as will make an equality of burdens and benefits, as between the several owners of lands benefited.

Correction of assess-
ments; how
made; objections.

SEC. 20. When the jury shall have completed their assessment of damages and benefits they shall fix a time and place when and where they will attend, in case the jury was impaneled by the court in which the petition is filed, before some justice of the peace in the county where some part of the land affected is situated; or if the jury was impaneled by a justice of the peace, before the same justice, for the correction of their assessment, and the commissioners or the jury shall give at least ten days' notice of such time and place, by posting notices as required in section two of this chapter, and by causing a copy of such notice to be sent by mail, addressed to each owner or occupant of land allowed for damages assessed for benefits whose name and residence is known to the commissioners. The affidavit of any credible person that he deposited such notice in the post-office, addressed to said owner or occupant named, at his place of residence, postage paid, shall be sufficient evidence of the sending of such copy of notice pursuant to this section.

Objections to be
heard by jury.

SEC. 21. The jury shall appear at the time and place appointed, and shall hear all objections that may then

and there be made by the owners or occupants of any lands which may be allowed damages or assessed for benefits, or by the commissioners, to the allowance of damages to or assessment of benefits against any tract of land, and shall make such corrections as shall seem to them just, and shall adjust such assessment so as to make the same just and equitable.

SEC. 22. At such hearing the justice of the peace shall preside, and may compel the attendance of witnesses and enforce order in the same manner as in other cases before justices of the peace; and in case any juror impaneled shall fail to appear, may attach him for contempt, or may impanel another in his stead, and may at any time during the proceedings in making or considering their assessment, empanel jurors in the place of any who shall refuse or fail to act, and administer to such jurors the oath required by the sixteenth section of this chapter.

Justices of the peace to preside; same powers as in other cases.

SEC. 23. If no objection shall be made to the assessment, at the time and place so appointed to hear objections or when found correct, or corrected upon the hearing, the jury shall confirm such assessment, which shall be certified by the foreman of the jury, and delivered to the commissioners, who shall return the same to the next term of the court in which the petition shall have been filed, and the same shall stand for hearing at the term, or may, for good cause, be continued.

When no objection is made.

SEC. 24. The commissioners, or any person who shall have made objections to such assessments may appeal from the finding of the jury to the court in which the assessment is returned, by giving notice of his or their intention to take such appeal within ten days after such confirmation by the jury, and filing with the clerk of such court his or their bond, payable to the opposite party, with such security and in such an amount as shall be approved by the clerk, conditioned to pay all costs that may accrue by reason of such appeal; and if the appeal is by an owner or occupant of land assessed for benefits, to pay such an amount as shall be found against him on account of benefits to his land by reason of such work.

Appeals from assessment made to county court.

Amending assessment roll by court

SEC. 25. The trial upon appeal may be in the same manner as other appeals from justices of the peace, and in case the assessment of damages or benefits shall be changed from that returned to the court, the court shall cause the assessment roll to be amended to conform thereto.

Appeals or writs of error from court.

SEC. 26. When the assessment roll shall have been corrected as aforesaid, or in case no correction shall be required to be made, the court shall confirm the same and cause it to be spread upon the records, and appeal or writ of error shall be allowed therefrom.

Court may order payment by instalments.

SEC. 27. At the time of confirming such assessment, it shall be competent for the court to order the assessment benefits to be paid in instalments of such amounts and at such times as will be convenient for the accomplishment of the proposed work; otherwise the whole amount of such assessment shall be payable immediately upon such confirmation, and shall be a lien upon the lands assessed until paid.

Lien.

Clerk to certify copies.

SEC. 28. Immediately after the entry of such confirmation by the court, the clerk shall make out and certify to the commissioners a copy of such assessment roll and shall also make out and deliver to the commissioners separate copies of the same, pertaining to the lands situated in different counties, which shall be recorded in the recorder's office of the respective counties in which the lands are situated, and shall be notice of the lien thereon to all persons.

Notice of lien to be recorded.

How commissioners to collect assessments.

SEC. 29. The commissioners upon receiving such certified copy of such assessment may proceed to collect the same or any instalment thereof, or they may certify such assessment or any instalment thereof which they may be entitled to collect at the time, to the county clerk of the county in which the lands assessed may be situated who shall extend the same in a separate column, upon the proper tax books for the collection of State and county taxes, and such assessment or instalment thereof so extended shall be collected and enforced in the same manner as State and county taxes; *Provided*, the owner, agent or occupant of any land through or on which any drain or ditch shall be constructed, shall have the right,

under the direction of said commissioners, within such time as they shall prescribe, to construct such drain or ditch or any part thereof, at his own cost, and in case he shall so construct the same, he shall be allowed for the value thereof upon his assessment.

SEC. 30. In case the assessment for benefits shall be payable in instalments, such instalments shall draw interest at the rate of ten per cent per annum, payable annually from the time of the confirmation of the assessment roll, or from such subsequent date as the court shall direct, until they are paid; and such interest may be collected and enforced in the same manner as the assessment or any instalment thereof. Interest to be added

SEC. 31. That every order of confirmation heretofore made by any court of any assessment roll in which interest is ordered or adjudged to be paid in instalments from the time of such confirmation, or a date therein named, or in the manner provided in the preceding section, is hereby rectified and confirmed, and the interest may be collected and enforced on the several sums in said order mentioned, from the respective dates or time set forth for the payment thereof, in such order of confirmation, as the same falls due, in like manner as the principal of the assessment. Orders heretofore made legalized.

SEC. 32. This act shall not be construed to impair any assessment made or confirmed, or any bonds, or other evidence of indebtedness issued under the act to which this is an amendment. Not to impair acts done under the old law.

SEC. 33. When the commissioners shall have elected to collect any assessment or instalment thereof themselves, or shall not have caused the same to be extended upon the State and county tax books, and any assessment or instalment shall be due and uncollected, and as often as any instalment shall become due and be uncollected at the time for making return of the tax books for the collection of State and county taxes next succeeding the time of the receipt of the certified copy of the assessment by the commissioners, or the falling due of any instalment, the commissioners may return a certified list of such delinquent lands, with the amount due thereon, to the officer who shall be authorized by law to receive the Commissioners to return to assessor amounts unpaid.

return of the books for the collection of State and county taxes in the counties or respective counties where the lands are situated, who shall proceed to collect and enforce the same, in the same manner as other taxes or special assessments are enforced, and shall pay over the amount so collected to the commissioners.

SEC. 34. If three months shall not intervene between the time of the delivery of an assessment warrant to the commissioners, or the falling due of the last of several instalments upon any such warrant, and the time for making return of tax books for the collection of State and county taxes in that year, the commissioners may make their return at or before the time for making such returns in the succeeding year.

Commissioners to give bond in double the amount before collecting.

SEC. 35. The commissioners appointed by virtue of this chapter shall not collect or receive any money for the purposes therein specified, until they shall have given bond, payable to the "People of the State of Colorado," for the use of all persons interested, in a sum not less than twice the amount of the assessment for benefits payable in any one year, with such security as shall be approved by the judge of the court, conditioned for the faithful application of all moneys that may be received by them as such commissioners, and to make due account thereof to the court whenever required, which bond shall be filed in the court in which the proceedings are had. The court may require additional bond from time to time.

Powers of the commissioners.

SEC. 36. The commissioners, when appointed and qualified pursuant to this chapter, may do any and all acts that may be necessary in and about the surveying, laying out, constructing, repairing, altering, enlarging, cleaning, protecting and maintaining any drain, ditch or other work for which they shall have been appointed, including all necessary bridges, crossings, embankments, protections, dams and side drains, and may employ all necessary agents and servants, and enter into all necessary contracts, and sue and be sued.

May borrow money; conditions and limitations.

SEC. 37. The commissioners may borrow money not exceeding in amount the amount of assessment unpaid at the time of borrowing, for the construction of any work which they shall authorize to construct, and

may secure the same by notes or bonds, bearing interest at a rate not exceeding 10 per cent. per annum, and not running beyond one year after the last assessment on account of which the money is borrowed, shall fall due, which note or bond shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the assessment for the repayment of the principal and interest thereof.

SEC. 38. When it shall appear that a drain or ditch in whole or in part, constructed for the purpose of draining any land to be benefited by the construction of any work which they shall be authorized to construct, and the whole or any part of the cost of such work shall have been paid or incurred by any person or corporation, if such work shall be valuable for the purpose of draining the land, and can be made useful therefor by such commissioners, according to their plans, they may allow and pay to such person or corporation the actual value thereof for such purpose.

To pay value of work already done.

SEC. 39. All damages over and above the benefits to any tract of land shall be payable out of the amounts assessed against other lands for benefits, and shall be paid or tendered to the owner thereof before the commissioners shall be authorized to enter upon his land for the construction of any work thereon. In case the owner is unknown, or there shall be a contest in regard to the ownership of the land, or the commissioners cannot for any reason safely pay the same to the owner, they may deposit the same with the clerk of the court, and the court may order the payment thereof to such party as shall appear to be entitled to the same.

Damages to be paid out of assessments on other lands.

When in doubt as to owner to bring into court.

SEC. 40. The court may at any time, remove any commissioner appointed by it, and appoint another in his place, and may fill all vacancies, by death, resignation, removal or otherwise, and may appoint a new commission, or authorize the commissioner appointed to repair or cleanse any work, ditch or drain that shall have been constructed.

SEC. 41. Any one or more new assessments may be made in the manner hereinbefore provided, on the suggestion of the commissioner, or any owner or occupant of

One or more new assessments may be made.

lands affected by any work authorized by this chapter, either to supply any deficiency in any other assessment, or to repair, alter, enlarge, cleanse, protect or maintain any drain, ditch or other work constructed by virtue of this chapter.

Compensation.

SEC. 42. The commissioners shall receive for their services, the sum of \$3.00 per day for each day they shall be actually engaged in the business of their appointment; they shall fix the compensation of all other servants and agents.

Reports to the court.

SEC. 43. The commissioners shall, as often as once in each year after their appointment, and as much oftener as the court shall require, make a report to the court by which they were appointed, showing the amount of money by them collected, and the amount and kind of work done, and the manner in which the same is being done.

Jurisdiction of justices of the peace in certain cases.

SEC. 44. When the cost of any proposed drain, ditch or other work, authorized by this chapter to be done will not exceed the sum of \$5,000, and will not extend through or into more than three townships, the petition may, if the petitioners shall so elect, be filed with a justice of the peace in the county where the land to be affected, or the major part thereof, is situated; and all the proceedings authorized by this chapter to be had in the county court, in cases when the petition is filed in such court, may be had before such justice of the peace, and the assessment of damages and benefits shall be conducted before such justice in the same manner, as near as may be, as in cases commenced by petition before such county court, and appeals may be taken from the final judgment of the justice of the peace to the county court, within the same time and in the same manner as appeals may be taken from the findings of the jury in cases commenced in the county court; and the assessment of benefit may be collected and enforced as in such cases before the county court.

Justices of the peace to direct county commissioners to perform the duties of commissioners.

SEC. 45. When the proceedings shall be had before a justice of the peace, the justice shall direct the county commissioners of counties—or in case the drain or ditch shall be located in several counties, the commissioners of

the several counties as a joint board—to lay out and construct such work, and perform the duties required of commissioners appointed under this chapter; and such commissioners of counties shall have all the power and authority, and may perform all acts, and shall discharge all the duties bestowed upon or required of commissioners appointed by the county court.

SEC. 46. If any county commissioner shall refuse or neglect to discharge any of the duties imposed upon him by virtue of this chapter, he shall, for every such refusal or neglect, be liable to any party aggrieved for all damages sustained by him, and upon conviction may be fined in any sum not exceeding \$100.

Liability for refusal to act.
Penalty.

SEC. 47. Any person who shall wrongfully and purposely fill up, cut, injure, destroy or in any manner impair the usefulness of any drain or ditch, constructed under this chapter, or that may have been heretofore constructed, for the purposes of drainage, may be fined in any sum not exceeding \$200, to be recovered before a justice of the peace in the proper county. All complaints under this section shall be in the name of the people of the State of Colorado, and all fines, when collected, shall be paid over to the proper commissioners, to be used for the work injured.

Penalty for injury, etc., to drain or ditch.

SEC. 48. In addition to the penalties provided in the preceding section, the person so wrongfully and purposely filling up, cutting, injuring, destroying or impairing the usefulness of any such drain or ditch, shall be liable to the commissioners having charge thereof for all damages occasioned to such work and to the owners and occupants of land for all damages that may result to them by such wrongful act, which may be recovered before a justice of the peace, if within his jurisdiction, or before any court of competent jurisdiction.

Additional penalties.

Approved March 8, 1883.

AN ACT

TO AMEND CHAPTER THIRTY OF THE GENERAL LAWS OF THE STATE OF COLORADO ENTITLED "AN ACT REGULATING ELECTIONS AND REPEALING ALL TERRITORIAL ACTS UPON THE SUBJECT."

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That section twenty-two (22) of said chapter is hereby repealed and the following enacted in lieu thereof:

To divide county into precincts.

Section 22. County commissioners of the several counties in this State are hereby required to divide their respective counties into as many election precincts for all general and special elections as they may deem expedient for the convenience of voters of said county, and shall designate the house or place in each precinct or ward at

Designate time and place of holding.

which elections are to be holden, and the precincts and places of holding elections thus established shall so remain until changed by the board of commissioners; *Provided*, that the board of county commis-

One precinct for every 500 voters.

sioners shall establish at least one election precinct for every five hundred registered voters as shown by the registry list of the respective counties at the last general election, and shall every year, if necessary, increase the number of election precincts as the number of registered voters shall be increased on said registry list, so that at least one election precinct for every three hundred registered voters may be constituted; and *Provided*, that it shall be the duty of the county commissioners at any

Shall change place upon petition.

time to change any place of holding elections upon a petition of a majority of the voters residing within said precinct; and, *Provided further*, that the precincts and wards established and the places designated in which to hold elections at the time of the taking effect of this act, shall so remain until changed; and, *Provided further*, that no new precincts shall be established or polling places changed at a later date than thirty days previous to any election.

SEC. 2. That section twenty-four (24) of said chapter is hereby repealed, and the following enacted in lieu thereof:

Section 24. The county commissioners of each county shall provide a ballot box at the expense of the county for each place of voting, which box shall be made of glass, to be kept by the county clerk and recorder of each county, and by them delivered over to their successors in office; each of said ballot boxes shall be circular in form, with a small opening at the top thereof, and enclosed in a square wooden frame with a lid to be fastened by three locks, no two of which can be opened by the same key; one of said keys shall be kept by each of the judges of the election last appointed, to be by them delivered to their successors in office. Should either of said judges die or remove from their precinct, meantime, the key held by him shall be surrendered to the county clerk and recorder, to be by him kept and delivered to the successor of such judge of election. The said ballot boxes shall be by the clerk and recorder of the respective counties, delivered to the judges of election within three days immediately preceding any general or special election, to be by him used and returned as hereinafter provided.

To provide ballot boxes; to be made of glass and in charge of clerk and recorder.

Form of boxes.

SEC. 3. That section thirty-one (31) of said chapter is hereby repealed and the following enacted in lieu thereof:

Section 31. At all elections held under this act, the polls shall be opened at seven o'clock in the morning, and continue open until seven o'clock in the evening of the same day; *Provided*, however, that if a full board of judges shall not attend at the hour of seven o'clock in the morning, and it shall be necessary for the electors present to appoint judges to conduct the election as hereinbefore prescribed, the election may, in that event, commence at any hour before the time for closing the polls shall arrive, as the case may require. Upon the opening of the polls, proclamation shall be made by one of the clerks, and thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will close in thirty minutes.

Hour of opening and closing polls.

Proclamation.

SEC. 4. That section forty-nine (49) of said chapter is hereby repealed and the following enacted in lieu of said section:

Counting the vote.

Section 49. As soon as the polls at any election shall have finally closed, the judges shall immediately open the ballot-box and proceed to count the votes polled, and the counting thereof shall be commenced and continued until finished, before the judges and clerks shall adjourn. They shall first count the number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, the numbers upon the ballots shall be examined without opening the ballots, and if it be found that those in excess of the total number on the poll list be not numbered, they shall be destroyed. If it be found that there is more than one ballot having the same number, the ballots having the same numbers shall be replaced in the box and shaken up and one of the judges shall publicly draw out and destroy all but one of said ballots. When the ballots and the poll lists agree, or as above provided, have been made to agree, the board shall proceed to count the votes; each ballot shall be read and counted separately and every name on each ballot shall be read and marked upon the tally lists before another ballot is proceeded with, and the entire number of ballots shall be read and counted and placed upon the tally lists in like manner; and when all of the ballots have been counted as herein provided the board shall estimate and publish the votes. The judges of election shall permit each candidate or their friends, not exceeding two in number, upon the written request of such candidate, to be present while the ballots are being received and counted.

Judges' certificate.

SEC. 5. That section 51 of such chapter is hereby amended so as to read as follows:

Section 51. As soon as all the votes shall have been read off and counted, the judges of election shall make out a certificate under their hands, and attested by the clerks, stating the number of votes each candidate received, designating the office for which such person received such vote or votes, and the number he did receive, the number being expressed in words at full length, and in numerical figures. Such entry to be made as nearly as circumstances will admit, in the following form, to wit: At an election held at the house of _____ in _____ precinct or ward, in the county of _____, and

Form.

State of Colorado, on the ——— day of ——— in the year of our Lord one thousand eight hundred and ———, the following-named persons received the number of votes annexed to their respective names for the following described offices, to wit: Whole number of votes cast were ———. A. B. had seventy-two (72) votes for Governor; C. D. had seventy-one (71) votes for Governor; E. F. had seventy-two (72) votes for Lieutenant-Governor; G. H. had sixty-nine (69) votes for Lieutenant-Governor; J. K. had sixty-eight (68) votes for representative in congress; L. M. had seventy (70) votes for representative in congress; N. O. had seventy-two (72) votes for representative; P. Q. had seventy-one (71) votes for representative; R. S. had eighty-four (84) votes for sheriff; T. W. had sixty (60) votes for sheriff; and in the same manner for any other persons voted for.

Certified by us,

A. B. } Judges
C. D. } of
E. F. } Election.

Attest

G. H. } Clerks of
I. J. } Election.

And the said certificate, together with one of the lists of voters, and one of the tally papers, shall then be enclosed and sealed up, under cover, and directed to the clerk of the county in which such election is held, and the packet thus sealed shall be sent by registered letter, where practicable, otherwise it shall be conveyed by one of the judges or clerks of the election, to be determined by lot, if they cannot agree otherwise within six days of the closing of the polls. And if any judge or clerk of an election, after having been deputed by the judges of election, at which he served as judge or clerk, to carry the poll book of such election to the clerk of the county, shall fail or neglect to deliver such poll book to the said clerk, within the time prescribed by law, safe, with the seal unbroken, he shall for every offence forfeit and pay the sum of five hundred dollars, for the use of the county, to be recovered in the name of the commissioners of the county, by an action of debt in any court of competent jurisdiction.

List, tally and certificate to be sent to the clerk.

Re red letter or by messenger determined upon by lot.

Failure to deliver.

Penalty.

Informality not to
invalidate vote.

After counting du-
ties of the judges.

tion; *Provided*, that informality in the delivering of the poll books as directed in this section, shall not invalidate the vote of any precinct when said poll books shall have been delivered previous to the canvassing of the votes of such election by the county board of canvassers. When all the votes shall have been read and counted, the ballots, together with one of the tally lists, shall be returned to the ballot box and the opening in the glass part thereof shall be carefully sealed and each of the judges shall place his private mark on said seal, the wooden cover shall then be locked and each of the judges shall preserve one of the keys thereof as herein provided. This box shall then be delivered by one of the clerks of the election who is of the opposite political party, from the judge or clerk chosen to take charge of and deliver the certificate and tally list, which clerk shall at once and with all convenient speed take said box to the office of the county clerk and recorder and safely deliver it to such officer, taking his delivery receipt therefor.

SEC. 6. That section seventy-two (72) of said chapter is hereby repealed and the following enacted in lieu thereof:

Ballots to remain
in the box.

Burned; when.

Section 72. The proper ballots, when not required to be taken from the ballot box for the purpose of election contests, shall remain in the ballot box in the custody of the county clerk and recorder until the next election, when, before opening the polls, the ballot box shall be opened in the presence of the judges, and the ballots destroyed by fire; *Provided*, that if the ballot boxes be needed for a special election before the legal time for commencing any proceedings in the way of contests shall have elapsed, or in case such judges, at the time of holding of such special election, have knowledge of the pendency of any contest in which the ballots would be needed, the said judges shall preserve the ballots in some secure manner and provide for their being so kept that no one can ascertain how any elector may have voted.

SEC. 7. The following sections shall be and are hereby added to said chapter:

How ballots to be
printed.

Section 133. All ballots shall be written on plain white paper, or printed with black ink with a space of

not less than one-fifth of an inch between each name, on plain white news printing paper, not more than two and one-half inches, nor less than two and three-eighths inches wide, without any device or mark by which one ticket may be known or distinguished from another, except the words at the head of the tickets; and it shall be unlawful for any person to print for distribution at the polls, or distribute to any elector or voter any ballot printed or written contrary to the provisions hereof, but this section shall not be considered to prohibit the erasure, correction or insertion of any name by pencil or with ink upon the face of the printed ballot.

FRAUDULENT BALLOTS.

Section 134. When a ballot with a certain designated heading, contains printed thereon in place of another a name not found on the regular ballot having such heading, such name shall be regarded by the judges as having been placed thereon for the purpose of fraud and such ballot shall not be counted for the name so found.

"Imitation ballots" to be deemed fraudulent.

Section 135. If a ballot contains a greater number of names for any one office than the number of persons required to fill that office, it shall be considered fraudulent as to all of the names designated to fill such office, but no further. A ballot shall not be considered fraudulent if containing a less number of names than are authorized to be inserted.

Where too many names are inserted fraudulent.

Section 136. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

Approved March 8, 1883.

AN ACT

TO REGULATE PRIMARY ELECTIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Any committee or body authorized by the rules or customs of a voluntary political association

Committee may elect to hold said elections under the provisions of this act.

or organization to call primary elections of or for such association or organization, for any purpose, may by resolution adopted at the time of making the call, elect to have such elections conducted in accordance with the provisions of this act.

Resolution; what to declare.

SEC. 2. The resolution must declare:

First. The time and place of holding the election and the hours between which the polls are to be kept open; *Provided*, however, that in precincts having more than one hundred (100) voters the polls shall be opened not less than five hours before sunset and continue open not less than six hours; in precincts having less than one hundred (100) voters the polls shall be opened three hours before sunset, and be kept open not less than two hours.

Second. The object of the election.

Third. The names of three persons to act as judges of the election at each precinct.

Fourth. That such election will be held under the provisions of the primary election law.

Fifth. The time and manner of the publication of notice of such election.

Sixth. The qualifications required for voters in addition to those prescribed by law.

Notice of election.

SEC. 3. The notice of the election must be signed by the secretary of the committee or body, and must contain a copy of the resolution and be published as directed in the resolution; but not less than one week's notice shall be given.

Qualifications of voters.

SEC. 4. The qualifications of voters at any primary election held under this act shall be:

First. Such qualifications as are prescribed by an act entitled, "An Act to Amend Section 1, of Chapter 30, of the General Laws of Colorado, in Relation to Elections, and Repealing all Laws Inconsistent with this Act," approved February 18, 1881.

Second. Such additional qualifications as are required by the resolution referred to in the previous sections of this act; *Provided*, however, that in all cases where a person offering to vote is challenged, he shall swear that he is a member *bona fide* of the party holding such primary election before his vote shall be received.

SEC. 5. All primary elections held under this act shall be held and conducted in accordance with the rules and under the penalties prescribed by chapter thirty of the general laws of the State of Colorado, from and including section twenty-five of said chapter to section fifty-two thereof, inclusive, except sections thirty-one, thirty-six and fifty-one. Held according to the election law.

SEC. 6. The judge to whom any ticket may be delivered, shall upon the receipt thereof, pronounce in an audible voice, the name of the voter; and if no objection be made to him, and the judges are satisfied, that he is a legal and qualified voter at such primary election the ballot shall be numbered and immediately be put in the ballot box without inspecting the name or names written or printed thereon. And the clerks of election shall enter the name of the voter and number in the poll books. Duties of judges.

SEC. 7. In addition to the challenges allowed by section 38 of chapter 30 of the general laws, any person offering to vote at a primary election held under this act, may be challenged upon the grounds that he does not possess the other qualifications prescribed by the resolution of the committee or body referred to in sections 1 and 2 of this act, and such challenge must be tried and determined by the judges, who, to that end, may administer an oath or affirmation to such person, and may ask him any question tending to prove or disprove the challenge. Challenges. Judges may administer oath.

SEC. 8. None but persons who possess the qualifications prescribed by the provisions of the said act, approved February 18, 1881, and by the resolution referred to in the previous sections of this act, shall vote or participate in any of the proceedings at such primary elections. Any person not possessing such qualifications, who shall vote or participate in any of the proceedings at such election, shall be guilty of a misdemeanor, and Persons not possessing legal qualifications. Penalty.

on conviction thereof before a justice of the peace of the county in which such offence was committed, shall be punished by a fine not less than fifty (\$50) dollars, nor exceeding three hundred (\$300) dollars, or by imprisonment not less than one month nor exceeding three months, or by both such fine and imprisonment.

Certificate of the
votes.

SEC. 9. As soon as all the votes cast at an election held under this act shall have been read off and counted, the judges of election shall make out a certificate under their hands and attested by the clerks, stating the number of votes each candidate received, and designating the office or position for which such person received such vote or votes, the number being expressed in words at full length and in numerical figures, the said certificate, together with the ballots cast, and one of the lists of voters and one of the tally lists, which shall be signed and attested in like manner as the certificate, shall be enclosed and sealed up under cover, and delivered to the secretary signing the notice of election, or in the event of the death or absence from the county of such secretary, then to any member of the committee or body calling said primary election.

Judges to keep copy
of certificate.

SEC. 10. The judges of the primary election must keep a copy of said certificate, and one of the lists of voters for twenty days after the election.

Committee calling
the election to is-
sue certificates.

SEC. 11. The committee or body from which emanated the resolution calling the election shall, under such rules as it may adopt, open and canvass the returns, and issue certificates to persons chosen to fill offices or positions by the voters at such election, designating the offices or positions to which they have been elected or chosen.

Not to influence
voters.

SEC. 12. If any person shall, by bribery, menace, threatening, or other corrupt means or device whatsoever, either directly or indirectly, attempt to influence any voter in giving his vote at any primary election held under this act, every person so offending shall, on conviction, be fined not less than one hundred (100) dollars nor exceeding five hundred (500) dollars, and shall be imprisoned not less than three months nor exceeding twelve months in the county jail.

Penalty.

SEC. 13. If any person offering to vote, and being challenged as disqualified, shall be guilty of wilful and corrupt false swearing or affirmation by any oath or affirmation prescribed by this act, or by the provisions of the sections of chapter 30 of the general laws hereinbefore referred to, or shall suborn any other person to swear or affirm as aforesaid, such person shall be deemed guilty of perjury, or subornation of perjury, as the case may be, and upon conviction thereof shall be punished by confinement in the penitentiary for a term not less than one year nor more than fourteen years.

False swearing by person challenged.

Penalty.

SEC. 14. If any judge or clerk of a primary election held under this act, or any other officer upon whom a duty is enjoined by this act, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, and punished by a fine not less than one hundred (100) dollars, nor exceeding five hundred (500) dollars, or by imprisonment not less than three months, nor exceeding one year in the county jail, or by both such fine and imprisonment.

If judge or clerk guilty of wilful neglect of duty.

Penalty.

Approved February 28, 1883.

AN ACT

TO AMEND SECTION ONE OF AN ACT PASSED BY THE GENERAL ASSEMBLY, A. D. 1881, AND APPROVED FEBRUARY 18, 1881, ENTITLED, "AN ACT TO PROVIDE FOR THE PAYMENT OF SALARIES TO OFFICERS OF THE EXECUTIVE AND JUDICIAL DEPARTMENTS."

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. The Governor shall receive an annual salary of five thousand dollars and the further sum of

Salaries of state officers, judges, etc.

fifteen hundred dollars for the payment of a private secretary. The Lieutenant-Governor shall receive an annual salary of one thousand dollars. The Secretary of State shall receive an annual salary of three thousand dollars and the further sum of four thousand dollars for the payment of clerks. The Auditor of State shall receive an annual salary of twenty-five hundred dollars. The State Treasurer shall receive an annual salary of three thousand dollars. The Superintendent of Public Instruction shall receive an annual salary of three thousand dollars. The Attorney-General shall receive an annual salary of two thousand dollars. The judges of the supreme court shall each receive an annual salary of five thousand dollars. The judges of the district court shall each receive an annual salary of four thousand dollars. The district attorneys shall each receive an annual salary of eight hundred dollars and all fees.

SEC. 2. All acts and parts of acts inconsistent herewith, are hereby repealed.

Approved February 11, 1883.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO SUPPRESS THE TAKING OF ILLEGAL FEES BY CERTAIN OFFICERS THEREIN NAMED."
(SESSION LAWS OF 1874.)

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That section two of the above entitled act (Chap. 34.) be and is hereby amended so as to read as follows:

Section 2. Any judge of the county court, justice of the peace, clerk, sheriff, constable, city marshal or other public officer authorized by law to issue, serve or execute any execution or other legal process, and who shall either charge or receive any money or other thing

Officers not to refuse to execute process.

of value for omitting, or delaying to issue, serve or execute such process, or to perform any other duty what-ever appertaining to his particular office, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than thirty days nor more than six months; *Provided, however,* that nothing in this act contained shall debar the said officers of the right to demand and receive their legitimate fees in advance; that in addition to the penalties herein prescribed, such officer, upon conviction as aforesaid, shall be deemed to have forfeited his said office, and the same shall be declared vacant; and in addition thereto, such officer so convicted as aforesaid, shall be disqualified from holding a like office of responsibility and trust in this State for a period of two years from the date of such conviction.

Penalty.

May demand costs in advance.

Additional penalties.

Approved February 13, 1883.

AN ACT

TO AMEND SECTION ONE (1) OF "AN ACT TO FIX AND REGULATE THE FEES CHARGEABLE BY COUNTY, PRECINCT AND OTHER OFFICERS," APPROVED FEBRUARY 18, 1881.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section one (1) of "An Act to Fix and Regulate the Fees Chargeable by County, Precinct and other Officers," approved February 18, 1881, be and the same is hereby amended so as to read as follows:

Section 10. That for the purpose of providing for and regulating the compensation of county and precinct and other officers, the several counties of this State shall be classified with reference to population, and divided into three classes as follows, namely: The counties of Arap-
ahoe, Lake, Boulder and Pueblo, shall constitute the first

First class.

Second class.

Third class.

class; the counties of Clear Creek, Las Animas, Gilpin, Jefferson, Weld, Fremont, El Paso, Bent, Conejos, Larimer, Chaffee, Custer, Saguache, La Plata, Ouray, San Juan and Hinsdale, shall constitute the second class; and the counties of Rio Grande, Park, Summit, Grand, Elbert, Costilla, Huerfano, Routt, Gunnison, Pitkin, Douglass and Dolores, shall constitute the third class.

SEC. 2. Whereas, much interest, as well as the interests of many citizens, will be benefited by the passage of this act; therefore, in the opinion of this General Assembly an emergency exists, and this act shall be in force on and after its passage.

Approved February 13, 1883.

AN ACT

TO PROVIDE FOR THE PUBLIC SAFETY, TO REGULATE HOTELS, LODGING HOUSES, PLACES OF AMUSEMENT AND OTHER PUBLIC BUILDINGS, AND TO PRESCRIBE THE MANNER IN WHICH THEY SHALL BE CONSTRUCTED AND REQUIRING FIRE ESCAPES THEREIN.

Be it enacted by the General Assembly of the State of Colorado :

Proprietors of hotels and lodging houses to furnish with escapes.

SECTION 1, It is hereby made the duty of every keeper or proprietor of every hotel or lodging house in this State, of over two stories in height, to provide and securely fasten in every lodging room above the second story, which has an outside window, and is used for the accommodation of guests, or employes, a wire rope or wire rope ladder for the escape of the lodgers therein in case of fire, of at least one inch in diameter, which shall be securely fastened within the room as near a window as practicable, and of sufficient length to reach therefrom to the ground, on the outside of such hotel or lodging house,

and made of strong materials and as secure against becoming inflamed as practicable. Such wire rope or wire ladder shall be kept in good repair and condition. In lieu of a wire rope or wire rope ladder there may be substituted any other appliance that may be deemed of equal or greater utility by the fire department, or any other proper authority that may have control of fire regulations in the city or town where such hotel or lodging house is located; but such appliance shall in all cases, be so constructed as to be under the control and management of any lodger in such room.

SEC. 2. Every hotel or lodging house in this State Hotels over three stories in height. over three stories in height shall be provided without delay with permanent iron balconies with iron stairs leading from one balcony to the other to be placed at the end of each hall above the third story in case such hotel is over one hundred and fifty feet in length, and in other cases such number as may be directed by the fire department or such other authority as may have the control of fire regulations in any city or town where such hotel or lodging house is located. Such balconies and iron stairs shall be constructed at the expense of the owner of such hotel or lodging house.

SEC. 3. It shall be the duty of every such proprietor or keeper of any hotel or lodging house to post notices Post notices. in every such room of such hotel or lodging house calling attention to the fact that this act has been complied with and the fact of such room where such coil of wire rope or wire rope ladder is fastened.

SEC. 4. Any person violating any of the provisions of section one, two and three of this act by neglecting or refusing to provide the means of escape from fire therein provided and give the notice required or otherwise, shall be deemed guilty of a misdemeanor and any person convicted thereof shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars. Penalty for neglecting to comply with above provisions.

SEC. 5. In all hotels or lodging houses containing more than fifty rooms and being four or more stories high, the proprietor or lessee of each hotel or lodging house shall employ and keep at least one competent watchman on each floor or story thereof, whose duty it Watchman in hotels or lodging houses containing 50 rooms.

shall be to keep watch and guard in such hotel or lodging house against fire, and to give warning in case a fire should break out. Such watchman shall be on duty between the hours of nine o'clock p. m. and six o'clock a. m., and in case of fire, they shall instantly awaken each guest and all other persons therein, and inform them of such fire. In all hotels containing more than fifty rooms, and being four or more stories high, the proprietor or lessee of each hotel shall employ and keep at least one competent watchman, whose duty it shall be to keep watch and guard in such hotel, and patrol each floor thereof against fire, and to give warning in case a fire should break out; such watchman shall be on duty between the hours of nine o'clock p. m. and six o'clock a. m.; and in case of fire, he shall instantly awaken each guest and all other persons therein, and inform them of such fire. A large alarm bell or gong shall be placed in or near the office, to be used to alarm the inmates of such hotel, in case of fire therein. It shall be the duty of every proprietor or keeper of such hotel, in case of fire therein, to give notice of the same to all guests and inmates thereof at once, and to do all in their power to save such guests and inmates. Should such watchman leave his post of duty in such hotel for more than fifteen minutes at any one time during the hours specified for him to be on watch, or if he should sleep while on duty, or if he should fail to awaken the persons sleeping in such hotel, he shall be deemed guilty of a misdemeanor and on conviction, shall be punished by imprisonment in the county jail not exceeding one year, or by fine of not less than fifty dollars nor more than five hundred dollars. Every proprietor of such hotel who shall fail to comply with the requirements of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be punished in the same manner as is provided in section four of this act.

Alarm bell or gong.

Notice.

Watchman not to leave the building, or sleep.

Penalty

Proprietor; penalty for failure to comply with this section.

Buildings constructed in future to have two pairs of stairs.

SEC. 6. All hotels or lodging houses hereafter constructed in this State over two stories in height and over one hundred feet in length shall be constructed so that there shall be at least two pairs of stairs for the use of guests, said stairs to lead from the ground floor to the uppermost story.

SEC. 7. Any architect, superintendent or other person or persons or body corporate, who may have charge of the erection or may have the control or custody of any of the said buildings mentioned in the preceding section who shall refuse or fail to comply with the provisions of said section within six months of the passage of this act in case of said buildings or places aforesaid, which have been heretofore erected and before the completion or occupation for said purposes of any said building or places now in process of erection shall on proof of such refusal or failure before any court of competent jurisdiction be adjudged to be guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars nor more than one thousand dollars which said fine shall be collected as is now provided by law for the collection of fines in such cases and when collected shall be paid into and become a part of the public school fund of the county or city or incorporated town in which the said misdemeanor was committed.

Any architect or other person not to violate provisions of preceding section.

Penalty.

SEC. 8. This act shall be given in charge to the grand jury at each session and they shall make due inquiry, and indict and bring to trial all parties found guilty of violating any of the provisions of this act.

Grand jury to investigate

SEC. 9. Whereas there is no law now existing in this State providing for fire escapes in public buildings, therefore in the opinion of the general assembly an emergency exists and this act shall take effect and be in force from and after its passage.

Emergency.

Approved February 18, 1883.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PREVENT FIRES ON THE PRAIRIES," APPROVED FEBRUARY 11, 1879.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section one (1), of an act entitled "An Act to Prevent Fires on the Prairies," be and the same is hereby amended so as to read as follows:

Fire guards; manner of construction.

Vegetation to be burned.

Where fire guard need not be constructed.

Counties determine where fire guard and burning to be done.

Section 1. That every railroad corporation operating its lines of road or any part thereof within this State shall between the fifteenth day of July and the first day of November of each and every year, upon each side of its line of road, plough as a fireguard a continuous strip of not less than six feet in width, which said strip of land shall run parallel with said line of railroad, and be ploughed in such a good and workmanlike manner as to effectually destroy and cover up the vegetation thereon and be sufficient to prevent the spread of fire, and in addition thereto all such railroad corporations shall cause to be burned between the dates last aforesaid, all the grass and vegetation lying between the said ploughed strips and the track of said road and the outer line of said strip of ploughed land shall be upon the outer line of such corporation's right of way, or if upon land owned by said corporation, one hundred feet on either side from the center of the road; *Provided*, that such fire guard so to be ploughed need not be constructed within the limits of any town or city; nor along the line of a railroad running through the mountains, or on other lands where ploughing would be impracticable; but that the provisions herein respecting the burning of a strip on each side shall be duly conformed with whenever any vegetation is found along such line of road, *provided*, that the board of county commissioners of the various counties of the State shall prescribe for their respective counties where the ploughing of such fire guard and burning shall be done.

Approved February 27, 1883.

AN ACT

TO AMEND SECTIONS THREE (3) AND SIX (6) OF CHAPTER FORTY-ONE (41) OF THE GENERAL LAWS ENTITLED, "AN ACT FOR THE PROTECTION OF WILD GAME AND INSECTIVOROUS BIRDS"

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section three of chapter forty-one of the general laws entitled, An Act for the Protection of Wild Game and Insectivorous Birds, is hereby repealed, and the following shall stand in lieu thereof as section three: (3.) No person shall kill or wound, ensnare or trap any elk, deer, buffalo or bison, fawn, antelope or mountain sheep within this State between the first day of January and the fifteenth day of September in each and every year. No person or persons, except butchers and dealers in meat, who have regularly established stands or places of business, shall offer to sell or expose to sale, the saddle or hind quarters of any elk, deer, buffalo or bison, fawn, antelope or mountain sheep, without offering or exposing therewith the fore quarters of the same. No person or persons shall wantonly kill and destroy any of the game, birds or animals mentioned in this act. And any person or persons outside of any incorporated town or village found in possession of two or more of the saddles or hind quarters of any elk, deer, buffalo or bison, fawn, antelope or mountain sheep without having the fore quarters thereof, shall be deemed guilty of violating the provisions of this section, and such possession shall be *prima facie* evidence of his having wantonly killed and destroyed said animal. Any person or persons offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall be fined in any sum not less than fifty nor more than two hundred dollars for the first offence, and for each subsequent offence shall be fined in any sum not less than fifty nor more than two hundred dollars, and be imprisoned in the county jail not less than thirty nor more than ninety days. Any person arrested and brought before any justice of the peace, for any violation of the provisions of this section, shall be entitled to a trial by jury of six, unless he shall waive the same; and if the jury find him guilty the justice of the peace shall assess the fine and costs, and fix the term of imprisonment, as the case may be. And in case the fine and costs be not paid, the same shall be collected in the manner provided for the collection of fines in cases of assault and battery before justices of the peace. One-half of said fine shall go to the informer, and one-half to the school fund, as provided in section two of this act.

No person to kill certain wild game between January 1st, and September 15th.

Not to expose for sale

Not to wantonly kill any game.

Penalty.

May have trial by jury.

Fines, how collected.

SEC. 2. Section six (6) of said chapter forty-one is hereby amended so as to read as follows, to wit: For the more certain detection and punishment of violators of this act, it is hereby made the duty of county commissioners, sheriffs and constables, or any other person of the several counties whenever a violation of its provisions is brought to their knowledge, to file or cause to be filed, an affidavit before a justice of the peace, charging the person or persons with the offense committed, and thereupon a warrant shall issue for the arrest of said person or persons, and trial shall be had as provided in section three of this act. Justices of the peace are hereby empowered to appoint special constables who of their own knowledge, or upon the information of a reputable citizen of the county, may arrest without warrant any person or persons violating the provisions of this act, and take him or them before the nearest acting justice of the peace, where trial shall be had as provided in section three of this act, after the proper affidavit shall have been filed, as though a warrant had issued in the first instance. And this section shall be a full protection to any such officer or person above mentioned, who causes the affidavit, or the arrest to be made in good faith, or upon the information of a reputable citizen of the county.

Special constables
to be appointed.

Approved February 10, 1883.

AN ACT

TO AMEND SECTION ONE OF CHAPTER XLII
OF THE GENERAL LAWS OF THE STATE
OF COLORADO, ENTITLED "GENERAL
ASSEMBLY."

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section one of chapter forty-two of the general laws of the State of Colorado be and the same is hereby amended to read as follows:

Section 1. At twelve o'clock, noon, of the day of the meeting of the general assembly the chief clerk or secretary of the next preceding session, or in case of his absence, some person claiming to be elected a member, shall call the house to which he belongs to order, and the persons present claiming seats in the house as members thereof, shall elect a clerk for the time being.

Approved February 11, 1883.

AN ACT

TO PROVIDE FOR THE PRINTING OF THE DECLARATION OF INDEPENDENCE, THE CONSTITUTION OF THE UNITED STATES, THE ENABLING ACTS, THE CONSTITUTION OF THE STATE INCLUDING THE ORDINANCES OF THE CONVENTION WHICH FRAMED THE CONSTITUTION, THE PRESIDENT'S PROCLAMATION OF AUGUST 1, 1876, PROCLAIMING THE ADMISSION OF COLORADO AS A STATE INTO THE UNION, TOGETHER WITH ALL THE GENERAL LAWS OF THIS STATE AND AN INDEX TO THE SAME.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. H. P. H. Bromwell, the commissioner appointed by the Governor pursuant to an act of the general assembly, passed at the session of 1881 to compile the statute laws of the State and the secretary of State, shall compile, edit and prepare for the press and shall cause to be prepared and printed in one volume all the general laws of [Colorado] passed by the general assembly, and now in force and not repealed at this session and all general laws passed by (the passed by)

Form in which to
be published.

the general assembly during this session, and not repealed at this session. Said laws shall be arranged in a concise and compact form, so as to have all the law upon each subject arranged together under the same title as far as practicable, omitting the signatures of the president of the senate and speaker of the house of representatives. In case any law shall have been amended by striking out, and substituting sections or changing sections, the law shall be printed so it will read in its proper order as amended, and may be sectionized in regular order, without reference to the numbers of sections in the former print, and whenever the word "Territory" or "Territorial" occurring in the laws is made by the constitution synonymous with the word State by intendment the word State shall be printed instead of the word "Territory" or "Territorial" and so of the word probate, when the word county is made by the constitution to stand in its place. Said secretary is hereby authorized to engage the services of one or more persons learned in the law, at an expense to the State not to exceed three thousand dollars for the purpose, exclusive of printing provided in this act, and said sum so expended shall be paid out of any funds in the State treasury not otherwise appropriated. Said secretary shall have said work completed in manuscript form within six months from the end of this session. Upon the completion of said work, the secretary shall duly certify under his hand and seal of the State of Colorado to the correctness of said laws and other matters so printed and the law and other matters so printed and certified shall be *prima facie* evidence of the originals in all courts of and tribunals of this State when so certified. "There shall be printed not to exceed four thousand (4000) copies of the general laws including the practice act, or civil code in one volume, and not to exceed fifteen (1500) hundred copies of the code of civil procedure alone."

SEC. 2. The Declaration of Independence, the Constitution of the United States, and amendments thereto, the enabling act providing for the admission of Colorado into the Union as a State, the Constitution of the State of Colorado, with the amendments thereto, including the ordinances of the convention which framed the constitution, together with the President's proclamation of

August 1, 1876. proclaiming the admission of Colorado as a State into the Union, shall be included and printed in the above order, with the laws provided for in section one of this act.

SEC. 3. The said commissioner or commissioners ^{Index.} shall make and prepare, and the secretary of State shall cause to be printed therewith, a full and complete index to all said laws and other matter provided for in section one of this act by reference to pages and sections, together with marginal notes to each section, in brief setting out the subject matter of the section.

SEC. 4. The secretary of State shall dispose of said ^{Secretary of state to dispose of copies.} copies immediately after the publication of the same as follows:

First. He shall deposit five copies in the State library to be preserved therein, and five copies in the library of the supreme court and retain one copy for the use of his office.

Second. He shall distribute to the State and district officers one copy each, and send to the county clerk of each county a sufficient number of copies to be distributed by him to each of the county officers, justices of the peace, and town constables, allowing one for each, but no person who shall hold more than one office shall be entitled to more than one copy.

Third. He shall send to the Governor of each State and territory of the United States, free of expense to the same two copies accompanied with a request of a similar communication to be made to the Governor of this State of the laws of the respective states and territories.

SEC. 5. Every officer receiving a copy of the laws ^{Receipts.} shall execute a receipt therefor, and shall have stamped or written thereon the name of the office held by him and he shall when he ceases to hold such office, deliver over to his successor, all laws received by him as such officer, and upon failure to do so shall be liable on his official bonds, or in his individual capacity.

SEC. 6. At least two hundred copies of the laws re- ^{Two hundred copies to be retained for new counties.} maining after said distribution shall be safely kept by

the Secretary of the State for the use of new counties, and the general assembly as they shall become entitled to receive the same.

Remainder to be
sold.

Proceeds.

SEC. 7. The remainder of said copies after the distribution as aforesaid, shall be sold by the secretary of State at the original cost with twenty-five per cent added, and the proceeds shall be paid to the State treasurer and such secretary shall take his duplicate receipt therefor, one of which shall be transmitted to the auditor of State. The secretary of State shall at the close of each fiscal year report under oath to the auditor of State the number of copies of the laws remaining in his hands after the distribution as aforesaid, and the number of copies sold by him, and the amount paid into the State treasury, and the auditor of State shall charge him with the number of copies on hand, and credit him with the proceeds of all that are sold as shown by the receipt from the State treasurer.

To be delivered to
successors.

SEC. 8. When the secretary of State goes out of office having any such copies remaining in his hands he shall deliver them to his successor, taking his duplicate receipt therefor, one of which he shall transmit to the auditor of State, who shall thereupon give such secretary of State the proper credit, and charge his successor with the copies received by him.

Secretary to ap-
prove claims.

SEC. 9. Upon the examination and approval by the secretary all claims of persons so engaged to do said work, and claims for printing and claims for other necessary expenses incurred under the provisions of this act shall be audited and allowed as in other cases, and warrants drawn on the State treasury therefor.

SEC. 10. Said general laws, together with the code of civil procedure, shall be paged for binding in separate volumes, and said laws and other documents hereby required to be printed shall be printed on fifty-pound paper, white, sized and super calendered with small pica modern face type, set solid, the face of the printed page to be in width thirty ems, and length of same forty-eight ems, pica, and shall be bound in full sheep, with spring back. The sections provided with head notes, showing contents of sections in lieu of side notes, the

same to be in brevier condensed title type. The number and title of each chapter at the heads of the pages thereof, with sub-title on each page, with division and sub-division heads in proper type, and all titles and cross reference notes occurring in the body of the chapters, in nonpareil type, and in all other respects as the secretary of state shall direct. Said secretary shall also direct the binding of said general laws and code of procedure in separate volumes, and such as may be by him deemed necessary in one volume as in his discretion will best adapt said laws to the several public uses required.

SEC. 11. The secretary of state shall furnish to said commissioners copies of general statutes passed at this session of the general assembly, and shall cause the copy for the press to be compared with the enrolled bills of this session, and with the copy prepared for revision by said commissioner returned by him heretofore to the secretary's office.

SEC. 12. Inasmuch' as it is highly necessary that ^{Emergency.} said work be completed without delay, in the opinion of this general assembly, therefore, this act shall be in force and effect from and after the day of its passage.

Approved February 28, 1883.

AN ACT

TO CEDE TO THE UNITED STATES JURISDICTION OVER A SITE FOR A COURT HOUSE AND OTHER GOVERNMENT OFFICES, AND TO RELEASE THE SAME AND OTHER PROPERTY OF THE UNITED STATES THEREON FROM TAXATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That exclusive jurisdiction for all purposes (except such are in this act expressly reserved) over

Grant; exclusive jurisdiction over lots one to eight inclusive, block 98, E. D., to the United States.

all that tract, piece or parcel of land situate, lying and being in the city of Denver, in the county of Arapahoe and State of Colorado, known and distinguished as, and being lots numbered one (1), two (2), three (3), four (4), five (5), six (6), seven (7), and eight (8), in block ninety-eight, in the east division of the city of Denver, bounded on the northwest by Arapahoe street, on the northeast by Sixteenth street, on the southeast by an alley running from Fifteenth street to Sixteenth street, between Arapahoe and Curtis streets, and on the southwest by the line dividing said lot eight (8) from lot nine (9) in said block, be and hereby is ceded, granted, transferred, conferred and confirmed unto the United States of America, as a proper site for the erection thereon of a suitable building for the accommodation of the United States district and circuit courts, post office, land office and other government offices, in the manner and form in this act prescribed, from and after the time when the United States shall become the owner of said tract, and for and during the time the United States shall remain the owner thereof; *Provided, nevertheless*, that jurisdiction to serve the civil process of State, county and municipal courts and tribunals within said tract, and also to serve and execute thereon, process in criminal cases by State, county and municipal officers, in respect of offences, misdemeanors, crimes and felonies committed outside of said tract is reserved to the State of Colorado.

Governor to execute a deed to the United States granting said jurisdiction.

SEC. 2. That when the Governor of this State shall be advised by the attorney-general of the United States or the attorney of the United States for the district of Colorado, that a valid title to the said land for the site of such building has vested in the United States, the said Governor shall make, execute and deliver to the United States of America, a deed, sealed with the great seal of the State of Colorado, and attested by the secretary of state thereof, (whose duty it shall be to attest the same) containing apt, meet and proper words, clauses and covenants to fully cede, give, grant, transfer, confer and confirm such jurisdiction unto the United States of America; but nevertheless therein reserving to this State, jurisdiction for the purposes mentioned in the first section of this act; and at, from and after the making, executing, ensealing, attesting and delivery of such deed, such ex-

clusive jurisdiction shall vest and remain in the United States of America for and during all the time that the United States shall remain the owner of said tract, subject only to the right and jurisdiction for the service and execution of process in this act expressly reserved to this State.

SEC. 3. That at, from and after the delivery of such deed of cession, the said site and the erections, structures, buildings, fixtures, goods, chattels and property at any time thereon, or thereto belonging, or in anywise appertaining and belonging to the United States, shall be and remain released and exempt from all tollages, taxes and assessments of every name and nature for and during the time the United States shall remain the owner thereof.

said lots to be exempt from taxation.

WHEREAS, the public interests require the erection of said building at as early a day as practicable, and it is necessary to settle the question of jurisdiction before the United States will commence the erection of the same, it is the opinion of this assembly that an emergency exists; therefore, this act shall be in full force and effect upon and after its passage.

Emergency.

Approved February 12, 1883.

AN ACT

TO PROVIDE FOR THE RECEPTION OF THE GRAND ARMY OF THE REPUBLIC AT ITS SEVENTEENTH NATIONAL ENCAMPMENT, AND APPROPRIATING A CERTAIN SUM OF MONEY TO BE EXPENDED FOR THAT PURPOSE.

Be it enacted by the General Assembly of the State of Colorado :

WHEREAS, The seventeenth annual session of the National Encampment of the Grand Army of the Republic will be held in the State of Colorado, at the city of Denver, in August, 1883; and,

Preamble.

WHEREAS, The people of this State, remembering with gratitude the patriotic services which the Grand Army has rendered to the Union, and holding in the highest esteem the courage and devotion to the country of the members of this association, desire to give them a cordial welcome and fitting reception on the occasion of said session; Therefore

Be it enacted by the General Assembly of the State of Colorado:

Names of commissioners.

SECTION 1. E. K. Stimson, John L. Routt, L. C. Ellsworth, W. D. Todd and Amos Steck are hereby constituted a board of commissioners for the State of Colorado, to make suitable preparations for the welcome and reception of the Grand Army of the Republic, on the occasion of the seventeenth annual session of the annual encampment thereof, and for its entertainment while convened; *Provided*, however, that each of said board of commissioners, before he is qualified or authorized to act as such commissioner shall execute a bond to the people of the State of Colorado in the penal sum of forty-two thousand dollars, conditioned for the faithful performance of the duties of commissioner, with two or more sureties to be approved by the Governor and attorney-general.

Bonds.

Appropriates \$21,000.

SEC. 2. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of twenty-one thousand (21,000) dollars, to be expended by the board of commissioners, under the general supervision of the Governor, for the purpose stated in the first section of this act.

Warrant to issue.

SEC. 3. The auditor of State shall draw his warrant upon the fund hereby appropriated upon the order of said board of commissioners mentioned in the first section of this act (or any four of them), countersigned by the Governor, and the same shall be paid by the State treasurer.

Report.

SEC. 4. The board of commissioners shall, as soon as practicable, after the adjournment of said session of the national encampment of the Grand Army of the Republic, make to the Governor a full report of their proceedings and disbursements, together with the proper vouchers.

SEC. 5. Inasmuch as it will become necessary to draw upon this fund before the expiration of ninety days, therefore it is the sense of this general assembly that an emergency exists, and that this act shall be in force on and after its passage.

Approved February 10, 1883.

AN ACT

TO AMEND SECTION ONE (1) OF AN ACT FOR THE PROTECTION OF GROWING CROPS, APPROVED FEBRUARY 12, 1881.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Section 1 of said act is hereby amended so as to read as follows: That the justices of the peace of the counties of Huerfano, Costilla, Conejos and Las Animas, in their respective precincts, are authorized and it is hereby made their duty to notify and require the inhabitants of their respective precincts, by public notice posted in not less than three public places in their respective precincts, on or before the 20th day of April in each year, to keep in care of herders all horses, mules, asses, meat cattle, hogs, sheep and goats, from the first day of May until the last day of October in each year.

Counties where stock to be herded from April 20, to October 31.

SEC. 2. It appearing to the general assembly that on account of the near approach of the season for planting, an emergency exists requiring the immediate taking effect of this act, it is therefore enacted that this act shall take effect and be in force from and after its passage.

Approved February 10, 1883.

AN ACT

TO PROMOTE AND ENCOURAGE HORTICULTURE AND FORESTRY IN THE STATE OF COLORADO, AND TO ESTABLISH A STATE BUREAU OF HORTICULTURE.

Be it enacted by the General Assembly of the State of Colorado :

State society constituted a bureau of horticulture.

SECTION 1. That the Colorado State Horticultural Society be and hereby is constituted a Bureau of Horticulture for the purposes hereinafter set forth ; *Provided*, that the said Horticultural Society shall accept of, and carry out the provisions of this act.

Duties.

SEC. 2. It shall be the duty of the said bureau to encourage and assist in the organization of district and county societies, and give them representation in the State Bureau, and in every proper way encourage and further the fruit and tree growing interests of the State.

Annual meetings.

SEC. 3. Said bureau shall hold its annual meetings on the second Thursday in January of each year at the capitol of the State, for the transaction of its business, the election of its officers and for determining the time and place of holding exhibitions, at which meeting premiums on essays may be awarded, and all questions relating to the horticultural development of the State may be considered.

Report to the secretary of state

SEC. 4. The said bureau shall make an annual report before the first day of June to the secretary of State, embracing the proceedings of the bureau for the past year, and statistics showing the general condition of horticulture throughout the State, together with such essays and statements of facts and recommendations as they may deem useful to the horticultural interests of the State; said report to be fully prepared for publication, and the secretary of State shall cause the same to be published in pamphlet or book form, by the State, under the supervision of the society.

2000 copies of report to be published.

SEC. 5. The number of copies to be published of said report shall be two thousand, all of which shall be

bound in a uniform style every two years, in one volume, and shall be distributed by the secretary of the State, as follows: Ten copies each to the Governor of the State, Secretary of State, State Auditor and State Treasurer, five copies each to the supreme judges and Attorney General, two to each member of the legislature, one copy to each judge and clerk of district and county courts, one copy to each newspaper office in the State, ten copies to the State university, school of mines, reform school and warden of the State penitentiary, two copies to each college of learning in the State, fifty copies to the agricultural college, and two copies to the State historical society and the remainder to the State horticultural bureau, to be distributed as said bureau may direct.

SEC. 6. To enable the said bureau to carry out the provisions of this act, the sum of one thousand dollars is hereby appropriated annually out of any moneys not otherwise appropriated. Appropriating \$1,000.

SEC. 7. If the said horticultural society shall accept of the provisions of this act, they shall certify their acceptance of the same to the secretary of State and the State auditor. After said acceptance the State auditor shall annually on the first of June, on the order of said society, signed by the president and secretary of said society, draw a warrant on the State treasurer for the aforesaid sum of one thousand dollars; *Provided*, should the said Horticultural Bureau fail to carry out the provisions of this act, during any one year after the first day of April, A. D. 1883, then, and in that event, the aforesaid warrant shall not be drawn for that year. Acceptance by said department.

Approved March 8, 1883.

AN ACT

TO ESTABLISH AN INSURANCE DEPARTMENT
IN AND FOR THE STATE OF COLORADO,
AND TO REGULATE THE INSURANCE COM-
PANIES DOING BUSINESS THEREIN.

Be it enacted by the General Assembly of the State of Colorado :

CHAPTER I.

Create the depart-
ment.

SECTION 1. That there is hereby established a separate and distinct department, to be known as the Insurance Department of the State of Colorado, which department shall be charged with the execution of all laws now in force, or which shall hereafter be enacted in relation to insurance companies doing business in the State of Colorado.

Auditor chief of-
ficer.

deputy and his
qualifications.

SEC. 2. The auditor of State shall be the chief officer of said department, and shall be designated the *ex-officio* superintendent of insurance. He shall appoint a deputy within ten days after the approval of this act, who shall hold his office for the term of two years. He shall be an elector of this State, well versed and experienced in the business of insurance and matters relating thereto, but in no case shall such deputy hold any position as an officer, agent or employe of any insurance company, or shall he be directly or indirectly interested in any insurance company except as a policy holder.

Bond of deputy.

SEC. 3. The deputy of insurance shall, within twenty (20) days after receiving his commission, and before entering upon the discharge of the duties of his office, take and subscribe to the oath required by the constitution, and shall give bonds to the State of Colorado in the sum of twenty thousand dollars (\$20,000), to be approved by the Governor and attorney-general, conditioned for the faithful and impartial discharge of his duties, which oath and bond shall be filed in the office of the secretary of State.

SEC. 4. The appointment of said deputy shall be evidenced by a certificate under the seal of the superintendent of insurance. Said deputy shall possess all the powers and perform all the duties attached by law to the office of the superintendent during a vacancy and during the absence or inability of his principal, but said superintendent shall be responsible for the acts of his deputy.

Duties and powers of deputy, same as superintendent.

SEC. 5. Said deputy shall receive an annual salary of thirty hundred (\$3,000) dollars.

SEC. 6. The seal of the superintendent of insurance shall be of such device as the Governor and superintendent may prescribe, to be surrounded by the words "Superintendent of Insurance for Colorado," a copy of which shall be filed in the office of the secretary of State. Every certificate or other paper executed by said superintendent in pursuance of any authority conferred on him by law, and sealed with his seal of office and all copies of papers, certified by said superintendent and authenticated by said seal, shall in all cases be evidence, equally and in like manner as the original thereof and shall have the same force and effect as the originals would in any suit or proceeding in any court of this State.

Seal.

SEC. 7. The said superintendent shall have an office at the State capitol and shall procure necessary furniture, safe, fuel, stationery, printing and such other appliances as may be necessary for the transaction of the business of his office, and may employ persons to make personal examinations of the condition and affairs of insurance companies when necessary as required by law, and whenever he may think necessary he shall call upon the attorney-general of the State for legal counsel and such assistance as may be necessary to enforce the provisions of this act.

May employ persons to make examinations.

SEC. 8. The office of said superintendent of insurance shall be deemed a public office and the records, books, and papers thereof or on file therein, shall be deemed public records of the State. All books and documents and all other papers whatever, in the office of any of the officers of the State relating to insurance, shall on demand be delivered and transferred to the superintendent.

Records to be public.

Papers, etc., to be transferred to the superintendent.

ent of insurance who shall give a receipt for the same which shall be a full release from all responsibility in connection with such documents, books and papers.

To keep full record,
etc.

SEC. 9. It shall be the duty of the superintendent of insurance to file in his office and safely keep all books and papers required by law to be filed therein, and to keep and preserve in permanent form a full record of his proceedings, including a concise statement of the condition of such insurance companies reported and examined by him, to issue certificates of authority to transact insurance business to any insurance companies which have fully complied with the laws of this State, and to issue such other certificates as required by law in the organization of insurance companies, and the transaction of the business of insurance, and generally to do and to perform with justice and impartiality all such duties as are or may be imposed on him by the laws in relation to the business of insurance in this State; and he shall annually, at the earliest practicable date after the returns are received from the several companies, make a report to the Governor of the affairs of the insurance department, which report shall contain a tabular statement and synopsis of the several statements as accepted by the superintendent, and such other matters as in his opinion may be of benefit to the public, and shall make such recommendations as he may deem proper in regard to the subject of insurance in this State, and shall set forth in a statement, verified by oath and the certificate of the auditor of State, the various sums received and disbursed by him, from and to whom and for what purpose. Not exceeding 1000 copies of such report shall be published by and subject to the order of the said superintendent at the expense of the department. The superintendent of insurance shall, within ninety (90) days after entering upon the discharge of his duties of his office, furnish to all insurance companies doing business in this State, a copy of this act, and necessary blanks to comply therewith, and shall annually, in November, furnish such blanks, for the filing of statements as required by law. The superintendent, on retiring from office, shall deliver to his qualified successor all furniture, papers and property pertaining to his office.

SEC. 10. The superintendent of insurance shall have power to examine and inquire into all violations of the insurance law, and may at any time examine the financial condition, affairs and management of any insurance company incorporated by, or doing business in this State, and inquire into and investigate the business of insurance transacted, and may require any company, its officers, agents, employes, or attorneys, or other persons, to produce, and may examine all its assets, contracts, books, and papers; may compel the attendance before him, and may examine under oath its directors, officers, agents, employes, solicitors, attorneys, or any other person, in reference to its condition, affairs, management or business, or any matter relating thereto; may administer oaths or affirmations, and shall have power to summon and compel attendance of witnesses, and to require and compel the production of records, books, papers, contracts or other documents by attachment if necessary, and shall have the right to punish for contempt by fine or imprisonment, or both, any person failing or refusing to obey such summons or order of said superintendent.

Powers of superintendent.

The said superintendent may make and conduct such examinations in person, or he may appoint one or more persons to conduct the same for him. If made by another than the superintendent in person, the person thereunto duly appointed shall have the powers as above granted to the superintendent, and a certificate of appointment, under the official seal of the insurance department, shall be sufficient authority and evidence for the person or persons to act. For the purpose of making such examinations or having the same made, the superintendent may employ the necessary clerical, actuary and other assistance.

May appoint others to conduct examinations.

Any person testifying falsely in reference to any matter material to said investigation, examination or inquiry, shall be deemed guilty of perjury, and in addition to the punishment for contempt in refusing to attend or to answer or to produce books and papers, any person who shall refuse to give such superintendent full and truthful information and answer in writing to any inquiry or question made in writing by said superintendent in regard to the business of insurance carried on by

No person to testify falsely.

such person, or to appear and testify under oath before such superintendent in regard to the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred (\$500) [dollars] or imprisonment not exceeding three months. And any director, officer, manager, agent or employe of any insurance company, or any other person who shall make any false certificate, entry or memorandum upon any of the books of any insurance company, or upon any statement or exhibit filed or offered to be filed in the insurance department of this State or used in the course of any examination, inquiry or investigation, with intent to deceive the superintendent of insurance, or any person employed or appointed by him to make any inquiry, examination or investigation, shall upon conviction be punished by fine not exceeding one thousand (\$1,000) dollars, and by imprisonment for not less than two months in the county or city jail, nor more than five years in the penitentiary. The expenses of proceedings against insurance companies and by [of] examinations of the assets or liabilities and valuations of policies of insurance companies doing business in the State shall be assessed by the superintendent of insurance upon the company proceeded against, or examined, or whose policies have been valued, and shall be in the first instance paid by such company on order of the superintendent directly to the person making such examination, or valuation, or rendering the service; *Provided*, that when any examination or valuation is made by the superintendent in person, the costs of making the same, excepting his traveling or other necessary personal expenses, shall be paid by him, when collected, into the insurance fund; *and provided further*, that the fees for an examination of the assets or liabilities of a company shall [not] exceed ten dollars per day for any one examination, together with all necessary expenses incurred and actually paid and reported under oath of the examiner, and that the fees for making valuations of policies, or other obligations of assurance, shall not exceed ten (10) dollars for each million dollars of insurance, or fractional part thereof, for all ordinary forms of policies, and for forms of policies requiring special construction of tables for valuations, the cost of computing such tables shall be added.

Penalty.

Making false certificates, etc.

Penalty.

Companies examined to pay the examiner.

Fees.

SEC. 11. When the superintendent deems it to the interest of the public, he may publish the result of any examination or investigation in a newspaper published in Denver and of general circulation in the State. When it appears to the superintendent of insurance from the report of [the] person appointed by him or other satisfactory evidence that the affairs of any company doing business in this State, are in an unsound condition, he shall revoke the authority granted to such company to do business in this State, and cause a notice thereof to be published in at least one newspaper published in the city of Denver, and in the county where the principal office is located within this State; and after the publication of such notice it shall be unlawful for such company or any agent thereof to procure any application for insurance, or to issue or renew any policies.

Result may be published.

Superintendent to revoke authority.

SEC. 12. There shall be paid by every insurance company doing business in this State, to the superintendent of insurance, the following fees, viz: For filing the certified copy of articles of incorporation, required by this act, on the organization of each company, fifty dollars (\$50.00); for filing power of attorney and statement preliminary to admission, fifty dollars (\$50.00); for filing copy of its charter or deed of settlement, and examination thereof, twenty-five dollars (\$25.00); for filing an annual statement, fifty dollars (\$50.00); for certificate of authority to transact business in this State, five dollars (\$5.00); for each copy of certificate of authority for use of agent, two dollars (\$2.00); for each copy of any paper filed in his office, per folio, twenty cents (.20); for affixing the seal of his office and certifying any paper, one dollar (\$1.00). All insurance companies, partnerships or associations, engaged in the transaction of the business of insurance in this State, shall annually, on or before the first day of March, in each year, pay to the superintendent of insurance two per cent. on the excess of premiums received over losses and ordinary expenses incurred within this State during the year ending the previous 31st day of December. In case the expenses of the department shall exceed the amount collected under the provisions of this act, the superintendent shall assess upon the insurance companies doing business in this

Fees of insurance companies.

State in proportion to the receipts in this State, a sum equal to such excess. In case of neglect or refusal of any company to pay such tax assessment, the superintendent of insurance shall revoke the authority or license granted to such insurance company. Insurance companies shall not be subject to any further taxation, except on real estate and the fees provided in this act.

Moneys received to be paid into state treasurer.

SEC. 13. All moneys received by the superintendent of insurance shall be paid into the State treasury for an insurance fund, within thirty (30) days after the receipt of the same, and shall be used for the purpose of defraying the expenses of the insurance department. The State treasurer shall give duplicate receipts for all moneys thus paid into the State treasury, one of which shall be delivered to the auditor of State, and the other filed in the office of the deputy superintendent of insurance.

Insurance fund.

All the expenses of the insurance department, including salaries, shall be paid by the State treasurer out of moneys in his hands, to be known as the insurance fund, on warrants drawn upon such fund by the deputy superintendent of insurance and approved by the State auditor; but no money shall be paid out of the State treasury in excess of the amount collected from insurance companies, as provided by this act. For all payments made by him, the deputy superintendent of insurance shall take proper vouchers.

The accounts of said deputy [superintendent] of insurance for all receipts and disbursements by him made, shall be audited, adjusted and settled at the close of each year by the auditor of State.

Money remaining to be transferred to school fund.

SEC. 14. The surplus of money remaining in the hands of the State treasurer to the credit of the insurance fund, being in excess of receipts over expenditures of the insurance department, shall be transferred by him upon the warrant of the superintendent of insurance from said insurance fund to the credit of the general school fund of this State biennially at the close of the fiscal year of the State.

CHAPTER II.

SECTION 1. No insurance company organizing under the laws of this State, shall adopt the name of any existing company or association transacting a similar business, or any name so similar as to be calculated to mislead the public. No company to adopt name of any other.

SEC. 2. It shall be unlawful for any person, company or corporation in this State, either to procure, receive or forward applications for insurance in, or to issue or to deliver policies for any company or companies not having complied with the provisions of this act, or to adjust any loss, or in any manner, either directly or indirectly, to aid in the transaction of the business of insurance with any such company, unless duly authorized by such company, and licensed by the superintendent of insurance, in conformity to the provisions of this act, and any person violating the provisions of this section shall be liable to a penalty of \$500 for each and every offense. Not to do business until licensed.

SEC. 3. No company shall transact in this State any insurance business, unless it shall procure from the superintendent of insurance a certificate stating that the requirements of the laws of this State have been complied with, and authorizing it to do business. Shall first procure certificate.

Every such company shall be required to procure annually for the use of its agents and solicitors copies of such certificates of authority.

No insurance company or association organized by any other authority than the State of Colorado shall directly or indirectly issue policies, take risks, or transact business in this State, until it shall have first appointed in writing the superintendent of insurance of this State to be the true and lawful attorney of such company or association in and for this State, upon whom all lawful process in any action or proceeding against the company may be served, with the same effect as if the company existed in this State. Said power of attorney shall stipulate and agree upon the part of the company that any lawful process against the company which is served on said attorney shall be of the same legal force and validity as if served on the company, and that the To appoint attorney in fact for certain purposes.

authority shall continue in force so long as any liability remains outstanding against the company in this State. A certificate of such appointment, duly certified and authenticated, shall be filed in the office of the superintendent of insurance, and copies certified by him shall be deemed sufficient evidence. Service upon such attorney shall be deemed sufficient service upon the principal.

Superintendent to
forward copies of
process.

Whenever lawful process against any insurance company shall be served upon the superintendent of insurance, he shall forthwith forward a copy of the process served on him by mail, postpaid, and directed to the secretary of the company, or in the case of companies of foreign countries, to the resident manager in this country, and shall also forward a copy thereof to the general agent of said company in this State. For each copy of process the superintendent of insurance shall collect the sum of two dollars, which shall be paid by the plaintiff at the time of such service, the same to be recovered by him as part of the taxable costs, if he prevails in the suit.

Company to file cer-
tified copies of
charter, etc.

SEC. 4. No insurance company not incorporated or organized under the laws of this State shall transact any business in this State, unless it shall first file in the office of the superintendent of insurance a duly certified copy of its charter, or articles of incorporation, or deed of settlement, together with a statement under the oath of the president and secretary, or other chief officers of such company showing the condition of affairs of such company on the 31st day of December next preceding the date of such oath. The statement shall be in the same form and shall set forth the same particulars as the annual statement required by this act.

Detailed statement
to be filed by
March 1st, in each
year.

SEC. 5. Every insurance company doing business in this State shall, on or before the first day of March in each year, render to the superintendent of insurance a report, signed and sworn to by its chief officers of its condition upon the preceding 31st day of December, which shall include a detailed statement of assets and liabilities, the amount and character of its business transacted and moneys received and expended during the year, and such other information as the superintendent of insurance may deem necessary. A synopsis of such statement, together

with the superintendent of insurance's certificate of authority to transact business in this State, shall be published in some newspaper of general circulation published at the capitol, for at least four insertions.

SEC. 6. No joint stock fire or life insurance company shall be permitted to do any business in this State unless it is possessed of an actual paid up cash capital of not less than two hundred thousand dollars. No joint stock insurance company organized for any purpose other than fire and life insurance shall be permitted to do any business in this State unless possessed of an actual paid up cash capital of not less than one hundred thousand dollars.

Unless paid up capital of \$200,000 not to do business.

No business but fire and life insurance.

SEC. 7. It shall be lawful for any insurance company incorporated under the laws of this State to invest its capital and funds accumulated in the course of its business or any part thereof in bonds and mortgages on real estate worth fifty per cent. more than the sum loaned thereon over and above all incumbrances exclusive of buildings, unless such buildings are insured and the policy transferred to said company; and also in the stocks of this State, or stocks or treasury notes of the United States; and also in the stocks and bonds of any school district or incorporated city in this State authorized to be issued by the legislature; and to lend the same, or any part thereof, on the security of such stocks or bonds or treasury notes or upon bonds and mortgages as aforesaid, and to change and re-invest the same as occasion may from time to time require; but any surplus money over and above the capital stock of any such insurance company may be invested in or loaned upon the pledge of the public stocks or bonds of the United States, or any one of the States, on the stocks or bonds or other evidences of indebtedness of any solvent dividend-paying institutions, other than mining corporations, incorporated under the laws of this State or of the United States; *Provided always*, that the current market value of such stocks, bonds or other evidences of indebtedness shall be at all times during the continuance of such loans at least twenty per cent. more than the sum loaned thereon.

May invest in bonds mortgages, etc.

SEC. 8. It shall not be lawful for the directors, trustees, managers or officers of any insurance company organ-

No dividends except from surplus profits.

ized under any of the laws of this State, directly or indirectly to make or pay any dividend or pay any interest, *bonus* or other allowance in lieu of dividends, except from surplus profits arising from their business.

Conditions under
which life insur-
ance companies
to do business.

SEC. 9. For the purpose of making valuations of life insurance policies under the provisions of this act, the rate of interest assumed shall be four and one-half per cent. per annum, and the rate of mortality shall be established by the tables, known as the "American Experience Tables." Such valuation to be on the losses of net premiums. For the purpose of estimating the liability of insurance companies other than life, the amount required to safely re-insure all outstanding risks shall be estimated by taking fifty per cent. of the gross premiums on all risks and policies in force and that have less than one year to run, and pro rata of all gross premiums on risks that have more than one year to run. [In] all life insurance companies authorized to transact business in this State, their policies shall after three or more annual premiums have been paid upon a policy of life insurance, and default is made in payment of any subsequent premiums when due, then, notwithstanding such default the company shall convert the same into a paid up policy for as many dollars as the value of such policy will purchase, to be determined by the table of surrender values in use by such company at the time of issue of policy, which shall not be less than the full net value of the policy per American Experience Table of mortality and four and one half per cent interest, provided that applications be made in writing for such paid up policy by the assured within six months after default in the payment of premiums shall first have been made.

CHAPTER III.

ORGANIZATION OF INSURANCE COMPANIES.

SECTION 1. It shall be lawful for any insurance company organized under the laws of this State,

Life, etc.

First. To make insurance on the lives of individuals, or the health thereof, and against personal injury, disablement or death resulting from traveling or general accidents by land or water.

Second. To insure houses, buildings and all other kinds of property against loss or damage by fire and lightning, tornadoes and hail in and out of the State, and to make all kinds of insurance on goods, merchandise and other property in the course of transportation wherever the same may be. Fire, etc.

Third. To insure horses, cattle and other live stock against loss or damage by accident, theft or death, or any unknown contingent event whatever which may be the subject of legal insurance, and generally to do and to perform all other matters and things proper to promote these objects; *Provided*, that no company shall be organized to issue policies of insurance for more than one of the above three mentioned purposes and no company that shall have been organized for one of said purposes shall issue policies of insurance for any other, and no such insurance company shall expose itself to loss on any one risk or hazard to the amount exceeding five per cent. of its paid up capital, unless the same shall be re-insured in some other good and responsible companies. Live stock.

SEC. 2. Whenever any number of persons shall associate to form an insurance company for any of the purposes named in the preceding sections, and become incorporated in accordance with the provisions of chapter nineteen of the general laws of 1877, they shall file a copy of the articles of incorporation with the superintendent of insurance, who shall submit the same to the attorney-general for examination, and if found by him to be in accordance with the provisions of this act and not inconsistent with the constitution of this State, he shall certify and deliver back the same to the superintendent of insurance, who shall commission the persons named in the certificate of incorporation, or a majority of them, to open books for the subscription of stock in the company at such time and place as they shall deem it convenient and proper, and shall keep the same open until the full amount specified in the certificate of incorporation is subscribed.

SEC. 3. Whenever such capital stock has been subscribed and not less than the amount required by this act shall have been fully paid in, they shall notify the superintendent of insurance, who shall cause an examin-

ation to be made, either by himself or some disinterested person, especially appointed by him for the purpose, who shall certify under oath that the provisions of this act have been complied with by said company as far as applicable thereto. Such certificate shall be filed in the office of the said superintendent, who shall thereupon deliver to such company a certified copy of said certificate, which on being recorded in the office of recorder of deeds in the county wherein the company is to be located, shall be their authority to commence business.

Contracts and policies do not require seal.

SEC. 4. All policies or contracts made or entered into by any such company organized under the laws of this State, may be made with or without the seal thereof. They shall be subscribed by the president or such other officers as may be designated by their by-laws for that purpose, and shall be attested by the secretary, and being so subscribed, shall be obligatory upon such company.

Ninety days allowed companies to comply.

SEC. 5. Every insurance company now existing under the laws of this State, except as hereinafter provided, shall be subject to the provisions of this act, but shall be allowed ninety days from the approval hereof to comply with the requirements herein set forth.

Certain existing companies exempt.

SEC. 6. The provisions of this act shall not be construed so as to prevent any Masonic, Odd Fellows, religious or benevolent society, or any life or accident mutual association of this State, heretofore organized under the laws of this State upon the mutual assessable plan, from issuing indemnity to any one against loss by death or accident of any of its members, and the companies, corporations and associations, or any such mentioned in this section shall not be held amenable under, nor governed by any of the provisions of any article in this act pertaining to accident or life insurance, except as to rendering an annual statement of the condition of said associations or societies.

Mutual insurance not prohibited.

SEC. 7. The provisions of this act shall not be construed to prevent any number of persons not less than twenty, from associating together for the purpose of forming an incorporated company for the purpose of mutual insurance of the property of its members. When persons so associated shall have complied with the provisions of

this act, so far as are applicable to such mutual companies, the superintendent of insurance shall commission the persons named in the certificate of incorporation, or a majority of them, to open books to receive propositions, and enter into agreements in manner hereinafter specified. But no company so organized shall commence business until *bona fide* agreements have been entered into for insurance with at least one hundred individuals covering property to be insured to the amount of not less than fifty thousand dollars.

SEC. 8. All acts and parts of acts inconsistent with ^{Repeal.} the provisions of this act heretofore existing, are hereby repealed; *Provided*, that nothing in this act shall be construed to effect the corporate existence or the rights as such of any corporation now existing and heretofore organized under the laws of the State of Colorado, for the period of 90 days, as set forth in section six.

SEC. 9. Whereas, an emergency exists, this act shall ^{Emergency.} take effect and be in full force from and after its passage.

Approved February 13, 1883.

AN ACT

TO SECURE LIENS TO MECHANICS AND OTHERS, .
AND TO REPEAL ALL OTHER ACTS IN RE-
LATION THERETO.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. Whoever shall do work or furnish materials by contract, express or implied, with the owner of any land, to any amount, for the construction, enlargement, alteration or repair of any building or other structure upon such land, or in making any other improvements, or in doing any other work upon such land, as stated in following sections, shall have a lien upon such land, building, structure and other improvement for the amount and value of the work so done or materials so

Any person doing work or furnishing material to have a lien.

furnished, to the extent of the interest or claim of such owner thereto at the time of the commencement to do such work or to furnish such materials. Said lien shall likewise attach to another or greater interest in any of such property acquired by such owner at any time subsequent to such commencement to do work or to furnish materials, and before the establishment of said lien by process of law. For the purposes of this act, the term work shall be deemed to include labor of every kind, whether skilled or unskilled; and, for said purposes, except when otherwise indicated, any person having an assignable, transferable or conveyable interest or claim in or to any land, building, structure or other property mentioned in this act, shall be deemed an owner. Any person rendering personal services for wages or otherwise, or by the use of machinery, teams or otherwise, shall be deemed a contractor or sub-contractor in either degree, as the case may be, as well as any person doing work by the job or piece.

Term work includes labor of every kind.

Who to be deemed a contractor or sub-contractor.

Sub-contractors in the first degree.

SEC. 2. Whoever shall do work or furnish materials by contract, express or implied, with the principal contractor mentioned in the preceding section, to any amount for any of the purposes mentioned in the preceding section, shall be deemed a sub-contractor in the first degree, and shall have a lien upon any and all such property in like manner as said contractor.

Sub-contractors in the second degree.

SEC. 3. Whoever shall do work or furnish materials by contract, express or implied, with a sub-contractor in the first degree to any amount for any of the purposes mentioned in section 1 of this act, shall be deemed a sub-contractor in the second degree, and shall have a lien upon any or all such property in like manner as said principal contractor.

Above sections apply to kinds of property herein-after set forth

Claimant must comply.

SEC. 4. The provisions of the three preceding sections shall be limited in their application to the kinds of property indicated in the following sections of this act, and any party claiming a lien, to secure the benefits of this act, must comply with the provisions thereof.

Act applies to repairs, etc.

SEC. 5. The provisions of this act shall apply to all persons who shall do work or furnish materials for the construction, enlargement, alteration or repair of any

building or other structure upon any building lot or lots in any city or incorporated town, or for any other improvement of such lot or lots as such, and to all persons who shall do work or furnish materials, as aforesaid, for the construction, enlargement, alteration or repair of any building upon land not within such city or town.

SEC. 6. The provisions of this act shall apply to all persons who shall do work or furnish materials for the construction, extension, enlargement, alteration or repair of any railroad, tramway, wagon road, toll road, canal, bridge, wharf, water ditch, flume, aqueduct or reservoir.

Liens upon railroads, tramways, toll-roads, canals, ditches, etc.

SEC. 7. The provisions of this act shall apply to all persons who shall do work or furnish materials for the working or development of any mine, lode, mining claim or deposit yielding metals or minerals of any kind, or for the working or development of any such mine, lode or deposit in search of such metals or minerals; and to all persons who shall do work or furnish materials upon any shaft, tunnel, incline, adit, drift or other excavation, designed or used for the purpose of draining or working any such mine, lode or deposit. Said lien shall attach in every case to such mine, lode and deposit, and to such shaft, tunnel, incline, adit, drift or other excavation, though such shaft, tunnel, incline, adit, drift or other excavation be not within the limits of such mine, lode or deposit; *Provided*, that when two or more such mines, lodes or deposits, owned or claimed by the same person or persons, shall be worked through a common shaft, tunnel, incline, adit, drift or other excavation, then all the mines, lodes, or deposits, so worked, shall for the purposes of this act, be deemed one mine; *and provided, further*, that this section shall not be deemed to apply to the owner or owners of any mine, lode, deposit, shaft, tunnel, incline, adit, drift or other excavation, when the same shall be worked by a lessee or lessees.

Liens upon mines.

SEC. 8. The provisions of this act shall apply to surveyors, civil and mining engineers doing any work of surveying or platting of any mines, mining claims, lodes or mineral deposits, and they shall have like lien and claim as other persons under the provisions of this act.

Liens of surveyors, civil and mining engineers.

Right of way and
water rights.

SEC. 9. Said lien shall likewise attach to rights of water and rights of way that may in any manner pertain to any kind of property hereinbefore specified and to which such lien attaches. In case of corporations said lien shall attach to all the franchises and charter privileges that may in any manner pertain to said specified property.

claimants to file
notice with coun-
ty clerk.

SEC. 10. Any party claiming a lien shall file in the office of the clerk and recorder of the county wherein said land is situated, a statement containing:

First. A notice of intention to hold and claim a lien.

Second. A description of the property to be charged therewith.

Third. An abstract of indebtedness showing the whole amount of debt, the whole amount of credit, and the balance due, or to become due, to the claimant, which abstract of indebtedness shall be verified by the claimant or by some other person in his behalf to the best knowledge, information and belief of the affiant. In case two or more persons claim an interest in the same lien and claim, it shall be sufficient for one of such persons or some other person in their behalf to verify such abstract of indebtedness, and the signature of any such affiant to any such verification shall be a sufficient signing of such statement.

When two or more
claims under
same lien one may
verify for all.

Contractor to file
within sixty days.

SEC. 11. In case of the principal contractor, or any assignee thereof, said statement shall be filed within sixty days after the time when the last work shall have been done, or the last materials shall have been furnished by such contractor. In case of a sub-contractor of either degree, or of any assignee thereof, said statement shall be filed within forty days after the time when the last work shall have been done, or the last materials shall have been furnished by such sub-contractor.

sub-contract, or
within forty days.

Sub-contractor in-
tending to do
work may file no-
tice with county
clerk.

SEC. 12. Any sub-contractor of either degree who shall intend to do work, or to furnish materials for which such lien is given, may file in the office of the clerk and recorder of the county wherein said land is situated, a statement containing:

First. A notice of intention to hold and claim a lien.

Second. A description of the property to be charged therewith.

Third. The probable value of the work to be done and the probable value of the materials to be furnished as near as may be. Said statement may be filed before he begins to do such work or to furnish such materials. Likewise he may file such statement at any time after he begins to do such work, or to furnish such materials, and before the completion of his undertaking under the contract. From the time he shall have filed such statement; he shall have a lien for such work thereafter done by him, or for such materials thereafter furnished by him, not exceeding the sum stated, as the probable value thereof. In case any such party claiming a lien shall have done work or furnished materials before the filing of such statement, he may include in said statement, a statement of the value, or probable value of the work already done, and material furnished as near as may be; for which said last named values to the extent of the sum mentioned, said lien shall likewise attach. Every such statement last mentioned shall have endorsed upon it the affidavit of the party claiming such lien, that he claims such lien in good faith. In case two or more persons claim an interest in the same lien and claim, it shall be sufficient for one of such persons to make said affidavit, and the signature of any such affiant to such affidavit shall be a sufficient signing of such statement.

Said notice may be filed at any time before the work is completed.

SEC. 13. It shall be the duty of said clerk and recorder to file either of said statements, or both, when the same shall have been presented for filing, and record the same in a separate book (one book may do for both kinds of statements provided for that purpose); and from the time of such filing all persons shall be deemed to have notice of such statements.

County clerk to file in one book said notices.

SEC. 14. It shall be sufficient to address either of said statements to all whom it may concern; and any informality in any such statement that shall not tend to mislead, shall not effect [affect] the validity thereof. No incorrect estimate in any such statement of the amount

Statement may be addressed to "whom it may concern."

due or to become due, or of any probable value, shall affect the validity of any such statement, unless such incorrect estimate be made in bad faith. But the filing of the statement lastly described shall not dispense with the requirement of filing the statement firstly described in section 10.

Owner to withhold money from the contractor.

SEC. 15. Upon the filing of the firstly described statement, or upon the filing of the secondly described statement, by any such sub-contractor, the payment to the contractor of so much money as is claimed to be due or to become due in any such statement for such work or materials, and of so much money as the stated probable value of such work or materials, shall be deemed to be enjoined in the hands of the owner, and it shall be his duty to hold the same, whether then due or thereafter to become due to the contractor, for the benefit of the party claiming under such statement, until the right of the party so claiming to receive the amount claimed, if the same be contested, shall have been legally adjudged, or until such lien shall have been ended by expiration of time, or shall have been otherwise satisfied.

Set off against contractor.

SEC. 16. Any such claim of any sub-contractor that shall be established under this act, by the judgment or decree of court, shall, to the full amount thereof, be a valid set off in favor of such owner and against the contractor; but in no event shall claims of sub-contractors adjudged to be due as aforesaid and costs of adjudication be a lien upon the property to any greater extent than the indebtedness of said owner to the contractor. In case of sub-contractors in the second degree no such claims of such last-named sub-contractors so adjudged to be due shall be a lien upon the property to any greater extent than the indebtedness of the original contractor to the sub-contractor in the first degree; but in said last-named case, no payment made by the contractor to the sub-contractor in the first degree, after the filing of either of said statements, shall effect [affect] the amount of the lien of the sub-contractor in the second degree.

Lien not to be greater than indebtedness to contractor.

Furnishing materials continuously under two or more contracts.

SEC. 17. In case the act of doing such work or of furnishing such materials, shall be continuous, said lien shall attach as in other cases, even though such work

shall have been done, or materials shall have been furnished under two or more contracts between the same parties.

SEC. 18. In the case of lands occupied by any such building, structure, building lot or lots, railroad, tramway, wagon road, toll road, canal, bridge, wharf, water ditch, flume, aqueduct or reservoir, mine, mining claim, lode or deposit, shaft, tunnel, incline, adit, drift, or other excavation, so much of such lands as may be necessary for the convenient use and occupation of any such building, structure or any other improvement or thing hereinbefore enumerated in this act, shall be subject to the liens hereinbefore provided for. In case of a mine, mining claim or lode, except as otherwise provided, said lien shall attach to the whole thereof or to so much thereof as said owner shall have an interest. In case any such building shall occupy two or more lots, or other subdivision of land, such several lots or other subdivisions of land shall be deemed one lot for the purpose of this act, and the same rule shall hold in cases of any other such improvements that shall be practicably indivisible. Said lien shall attach to all machinery and other fixtures used in connection with any such lands, buildings or structures. When the lien is for work done or material furnished for an entire structure, erection or improvement, such lien shall attach to the building, erection or improvement for or upon which such work was done or materials furnished, in preference to any prior lien, or encumbrance, or mortgage upon the land upon which the same is erected or put, and any person enforcing such lien, may have such building, erection or improvement sold under execution, and the purchaser at such sale may remove the same within thirty days after such sale.

SEC. 19. All such liens shall relate back to the time of the commencement to do work, or to furnish materials, and shall have priority over any and every lien, or incumbrance subsequently intervening, or which may have been created prior thereto, but which was not then recorded, and of which the lienor under this act had no notice. Nothing herein contained shall be construed as impairing any valid incumbrance upon any such land duly made and recorded, before such work was com-

To what property
liens shall attach.

Lien to relate back
to commencement
of work, etc.

menced, or the first of such materials were furnished. No attachment, garnishment or levy under execution upon any money due a contractor from the owner of any such property, subject to any such lien, shall be valid, as against such lien of a sub-contractor, and no such attachment, garnishment or levy upon any money due a sub-contractor, of the first degree from the contractor, shall be valid, as against any such lien of a sub-contractor in the second degree.

Rank of each lien.

SEC. 20. In every case in which different liens are claimed against any property, the rank of each lien, or class of liens as between the contractor and sub-contractors, shall be declared in the decree or judgment in the following order named:

First. Sub-contractors in the second degree.

Second. Sub-contractors in the first degree.

Third. The original contractors.

And the proceeds of the sale of the property to which such liens shall have attached must be applied to each lien or class of liens in the order of its rank.

Action to enforce
to be commenced
within six months.

SEC. 21. No lien claimed by virtue of this act shall hold the property longer than six months after filing the statement firstly described in section ten unless an action be commenced within that time to enforce the same.

Actions may be con-
solidated.

SEC. 22. Any number of persons claiming liens and not contesting the claims of each other may join as plaintiffs in the same action; and when separate actions are commenced the court may consolidate them upon motion of any party or parties in interest or upon its own motion. Upon such procedure for consolidation, one

Who to defend
suits.

case shall be selected with which the other cases shall be incorporated; and all the parties to such other cases shall be made parties defendant in said case so selected. All persons having claims for liens, the statements of which shall have been filed as aforesaid, shall be made parties to the action. Those claiming liens or [who] fail or refuse to become parties plaintiff, or for any reason shall not have been made such parties, shall be made parties defendant. Any party claiming a lien not made a party to such

Pleadings.

action, may at any time before the trial of the action or before the final hearing of the case by the court, be allowed to intervene by motion, upon cause shown, and may be made a party defendant on the order of the court. The court shall fix the time for such intervenor to plead or otherwise proceed. The pleadings or other proceedings of such intervenor thus made a party shall be the same as though he had been an original party. Any such defendant, by way of answer shall set forth by cross-complaint his claim and lien. Likewise such defendant may set forth in said answer defensive matter to any claim or lien of any plaintiff or co-defendant, or otherwise deny such claim or lien. Any such defendant may by his answer, set up that there are other persons who claim liens upon the property described, naming them, and asking that they be summoned to appear and maintain the same. Thereupon an amended summons shall issue in like form as the original, but so modified as to make parties defendant of the persons so named in the answer in addition to the other defendants. Said last-named summons shall be served upon such new defendants as in other cases. The owner of the property to which such lien shall have attached shall be made party to the action.

SEC. 23. It shall be sufficient to allege in the complaint in relation to any party claiming a lien, whom it is desired to make a defendant, that such party claims a lien under this act upon the property described. Complaint.

SEC. 24. In the case of the intervention of parties, or of the making of new parties, or of the consolidation of actions so that the issues are in any manner changed or increased, any party to the action shall be allowed to amend his pleadings or file new pleadings, as the nature of the case may require. New pleadings.

SEC. 25. The court may [may] proceed to hear and determine said liens and claims, or may refer the same to a referee to ascertain and report upon said liens and claims, and the amounts justly due thereon. Judgments shall be rendered according to the rights of the parties. The various rights of all the lien claimants, and other parties in any such action, shall be determined and in- Court may hear or refer.
Judgments how rendered.

corporated in one judgment or decree. Each party who shall establish his claim under this act, shall have a judgment against the party personally liable to him for the full amount of his claim so established, and shall have a lien established and determined in said decree upon the property to which his lien shall have attached to the extent hereinbefore stated.

Sale of property;
how made.

Redemption.

Proceeds appor-
tioned.

Surplus.

Transcript of judg-
ment to be filed
with county clerk.

Costs to be divided.

SEC. 26. The court shall cause said property to be sold in satisfaction of said lien and costs of suit, as in the case of foreclosure of mortgages, and any party in whose favor a judgment for a lien may have been rendered may cause the property to be sold within the time and in the manner provided for sales on executions issued out of any court of record, and the owner and creditors shall have a right of redemption, as is provided in the case of sales on execution. And if the proceeds of such sale, after the payment of costs, shall not be sufficient to satisfy the whole amount of such liens included in the decree of sale, then such proceeds shall be apportioned according to the rights of the several parties. In case the proceeds of sale amount to more than the sum of said liens and all costs, then the remainder shall be paid over to the owner of said property, and each party whose claim is not satisfied in the manner hereinbefore provided, shall have execution for the balance unsatisfied against the party personally liable, as aforesaid, to said party so obtaining executions. In the first instance, without a previous sale of said property to which such liens shall have attached, an execution may issue in behalf of any such lien claimed for the full amount of his claim against the party personally liable. A transcript of the docket of said judgment and decree may be filed with the recorder of the county where such property is situated; said judgment and decree shall become a lien upon the real property of each party so personally liable in favor of any such lien claimant holding any such judgment against any such party so personally liable.

SEC. 27. The court shall divide the costs between the parties liable therefor according to the justice of the case, but in no case shall any costs be taxed against the owner, so far as the costs of the sub-contractor in the first

and second degree are concerned. The costs of filing and recording said statement shall be taxed as a part of the cost.

SEC. 28. Any party claiming a lien may assign his claim and lien to any other claimant or other person, who shall thereupon have all the rights and remedies of the assignor. The purpose of the enforcement of any such lien by action under this act, shall be a sufficient consideration as to all other parties for the purposes of such action. Such assignment may be made before or after the filing of the statement mentioned in said section ten. Any such claimant, whether as assignee or otherwise, may include all of said liens he may possess in any such statement, and when more than one such claim shall be included in one such statement, one verification thereto shall be sufficient. Any person may file a separate statement of two or more claims of the same class.

Claimants may assign.

Consideration.

When may be made.

SEC. 29. No payment made by any such owner to any such contractor for the purpose of avoiding any anticipated lien of any sub-contractor shall be valid; and if any person shall file either of said statements for a lien for a larger sum than is due, or to become due, in fact, or in probability, as the case may be, with intent to cheat or defraud any other person; and that fact shall appear in any proceeding under this act, such person shall forfeit all rights to such lien under this act.

Payments to avoid lien, invalid.

Person filing for larger sum than due to defraud, forfeits.

SEC. 30. The claimant of any such lien or liens, the statement or statements of which have been filed as aforesaid, on the payment of the amount thereof, together with the costs of filing and recording such lien or liens, and the acknowledgment of satisfaction, shall at the request of any person interested in the property charged therewith, enter, or cause to be entered, an acknowledgment of satisfaction of the same of record; and if he shall neglect or refuse to do so within a reasonable time after request of any person so interested, he shall forfeit and pay to said person the sum of twenty dollars for every day of such neglect, or refusal, to be recovered in the same manner as other debts. A valid tender of such payment refused by any such claimant shall be equivalent to a payment for the purposes of this section. Any such

Claimant, when lien satisfied to record satisfaction.

Penalty.

Tender of payment.

Cancelled 11 k e statement may be cancelled of record in the same manner as mortgages. Any person who shall file such statement, setting forth his intent to do any such work or furnish such materials, and shall fail to commence to do such work, or to furnish such material, without delay, shall at his own expense cause such statement to be released of record, and if he should neglect or refuse to do so within five days after the request of any person so interested, he shall forfeit and pay to said person so interested, the sum of twenty dollars, for every day of such neglect or refusal, to be recovered in the same manner as other debts.

Other remedies.

SEC. 31. No remedy given in this act shall be construed as preventing any person from enforcing any other remedy, which he otherwise would have had except as otherwise herein provided. The practice under this act shall be in accordance with the code of civil procedure of the State of Colorado. In case of two or more owners, contractors or sub-contractors, interested in the same contract, the rule of procedure shall be the same as in the case of one such.

Repeal

SEC. 32. All acts and parts of acts inconsistent with the provisions of this act, and an act entitled "An Act to secure Liens to Mechanics and others, and to repeal all existing Laws in relation thereto," approved February 12, 1881, are hereby repealed; *Provided*, that the repeal of said acts and parts of acts, or of any of them, shall not be construed, to affect any right either as to remedy or otherwise, nor to abate any suit or action or proceeding existing, instituted or pending under the laws so hereby repealed.

Approved March 2, 1883.

AN ACT

TO SECURE TO RANCHMEN, TAVERN KEEPERS
AND OTHER PERSONS, LIENS ON PERSONAL
PROPERTY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That any ranchman, farmer, agistor or herder of cattle, tavern keeper or livery stable keeper, to whom any horses, mules, asses, cattle or sheep, shall be intrusted for the purpose of feeding, herding, pasturing or ranching, shall have a lien upon such horses, mules, asses, cattle or sheep, for the amount that may be due for such feeding, herding, pasturing or ranching, and shall be authorized to retain possession of such horses, mules, asses, cattle or sheep, until the said amount is paid; and every hotel, tavern, boarding house keeper, and person who rents furnished rooms, shall have a lien upon the baggage of his or her patrons, boarders, and guests, for the amount that may be due from such patrons, boarders, guests or tenants, for such boarding, lodging or rent, and they are hereby authorized to hold and retain possession of such baggage until the amount so due for boarding, lodging or rent, or either, is paid; *Provided* that the provisions of this section shall not apply to stolen stock.

Retention of stock
authorized until
payment.

Lien upon baggage,
by whom.

SEC. 2. Every common carrier of goods or passengers who shall, at the request of the owner of any personal goods, carry, convey or transport the same from one place to another; and any warehouseman or other person, who shall safely keep or store any personal property at the request of the owner, or person lawfully in possession thereof, shall in like manner, have a lien upon all such personal property, for his reasonable charges for the transportation, storage or keeping thereof, and for all reasonable and proper advances made thereon by him, in accordance with the usage and custom of common carriers and warehousemen.

Lien of common
carrier.

SEC. 3. Any mechanic or other person who shall make, alter, repair, or bestow labor upon any article

Lien of mechanics
upon personal
property for work
done thereon and
materials.

of personal property, for the improvement thereof, at the request of the owner of such personal property, or of the materials from which the same is made, shall, in like manner, have a lien upon such articles of personal property for his reasonable charges for the labor performed and materials furnished and used in such making alteration, repair or improvement.

Charges not paid in
thirty days ap-
praisers to be ap-
pointed

SEC. 4. If any such charges for which a lien is given by the three preceding sections, be not paid within thirty days after the same becomes due and payable, the mechanic, inn-keeper, agistor, or other persons to whom such lien is given as aforesaid, may apply to any justice of the peace of the county wherein he resides, to appoint appraisers to appraise the several articles of personal property whereon such lien is claimed. Such justice shall thereupon appoint, by warrant under his hand, three reputable house-holders of the county, not interested in the matter, to appraise such personal property.

Oath and return of
appraisers.

SEC. 5. The appraisers so appointed, shall be sworn by the justice, to well and faithfully appraise and value all such personal property, and shall thereupon proceed to view and appraise the same, and shall return their appraisal, wherein shall be set down each article separately, to the justice by whom they were appointed, within ten days after their appointment.

How sale to be
made and dispo-
sition of proceeds.

SEC. 6. After such appraisal is made, the person to whom such lien is given by the foregoing sections, may after giving ten days prior notice of the time and place of such sale, with a description of the property to be sold, by publication in some newspaper published in the county wherein he resides (or if there be no such newspaper, then by posting in three public places within such county) and delivering to the owner of such personal property, or if he do not reside in the county, transmitting by mail to him at his usual place of abode, if known, a copy of such notice, proceed to sell all such personal property or so much thereof as may be necessary, at public auction, for cash in hand, at any public place within such county, between the hours of ten a. m. and four p. m. of the day appointed; and from the proceeds thereof, may pay the reasonable costs of such appraisal, notice and sale, and his reasonable charges

for which he has his lien, together with the reasonable cost of keeping such property up to the time of sale. The residue of the proceeds and of the property unsold, he shall render to the owner.

SEC. 7. No such sale shall be made for less than two-thirds of the appraised value of the article sold, nor except upon due notice, as required by the preceding section. Every such sale made in violation of the provisions of this section shall be absolutely void.

Sales for less than two-thirds of appraised value void.

SEC. 8. At such sale, the person to whom such lien is given, may become the purchaser.

Person holding lien may purchase.

SEC. 9. In any case where the property to be sold cannot conveniently be sold in one day, the sale may be continued from day to day, by public out-cry at the place of sale. Upon the completion of such sale, the person to whom the lien is given hereby, shall cause a sale bill thereof to be filed with the justice of the peace before whom such appraisement was had, in which shall be set down the sum for which each separate article of property was sold, and the name of the purchaser. The justice shall record such sale bill in his docket, and preserve the original thereof together with the appraisement.

Continuance of sale; account thereof to be filed with the justice.

SEC. 10. Nothing in this act shall be so construed as to take away the right of action of the party to whom such lien is given, for his charges, or for any residue thereof, after sale of such property.

Right of action after sale.

SEC. 11. At such sale, the person to whom such lien is given, as herein provided, may appoint a clerk and crier.

Clerk and crier.

SEC. 12. Appraisers appointed under the provisions of this act, shall receive one dollar per day; justices of the peace shall receive for each warrant of appraisement, fifty cents; for receiving and recording each appraisement, twenty cents for one hundred words, and the like fees for recording each sale bill. Clerks and criers at sales made under the provisions, hereof, shall receive each one dollar per day.

Fees of justices, appraisers, clerks and criers.

SEC. 13. Nothing in this act contained shall be so construed as to affect any lien which may exist at the

Not to affect any existing lien.

time this act shall take effect or to take away the right or remedy to enforce the same, or to affect any right or remedy which may exist under and by virtue of any law which may be held to be repealed by this act, but as to all such liens or rights the same shall remain in full force and may be enforced in the same manner and to the same effect as if this act had not been passed.

Emergency.

SEC. 14. Inasmuch as grave doubts exist as to whether any lien is now given upon personal property, an emergency exists, therefore, this act shall take effect from and after its passage.

Approved February 12, 1883.

AN ACT

TO REQUIRE THE ADJUTANT-GENERAL OF THE STATE TO MAKE CERTAIN RECORDS OF THE MUSTER ROLLS OF THE COLORADO REGIMENTS IN THE LATE WAR.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. It is hereby made the duty of the adjutant-general of this State to supply all defective and incomplete muster rolls of regiments called into service during the war of the rebellion, and to have missing rolls of such regiments and companies replaced and the damaged ones copied.

Appropriation.

SEC. 2. That there is hereby appropriated out of the State treasury the sum of one thousand dollars out of any money not otherwise appropriated for the purpose of providing the necessary clerical force and other means for the purpose of carrying out the provisions of this act.

Approved February 27, 1883.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT FOR THE ENROLLMENT AND ORGANIZATION OF THE NATIONAL GUARDS OF THE STATE OF COLORADO, APPROVED FEBRUARY 8th 1879, WITH AMENDMENTS, APPROVED FEBRUARY 11th AND 12th, 1881.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That Section 2 of Article I, of the above named act be stricken out, and the following inserted in lieu thereof. Section 2. The Governor shall be commander-in-chief of the militia, except when turned over into the service of the United States, and shall have the power, by, and with the consent of the senate, to appoint an adjutant-general who shall be chief of the staff, with the rank of brigadier-general and act as quartermaster-general; an inspector-general with the rank of colonel, who shall act as paymaster-general; two or more aids-de-camp, with the rank of colonel, and one military-secretary, with the rank of major; and when required for active service, in time of war, he shall have power to appoint a major-general and one or more brigadier-generals, as necessity may demand, in brigade or division organization. The commander-in-chief shall also have power to fill vacancies in these offices when the senate is not in session.

Governor, commander in chief, to appoint.

SEC. 2. That the following sections shall be added to article I, section 3: In time of peace, and until the increased military strength of the State shall demand a re-organization, there shall be elected, by a vote of the commissioned officers of the organized militia of the State, one brigadier-general (a competent soldier) who shall command the first brigade, and hold office for the term of three years, or until his successor may be elected and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation duly accepted. The votes of the commissioned officers of each battalion, company, troop and battery shall be returned

Brigadier general; how elected.

Staff.

to the commander-in-chief and by him submitted to the State military board, whereupon a majority of all the votes cast shall decide the election. Also section 4, article I: The staff of a brigadier-general commanding, when appointed, in pursuance of section 3, article 1, of this act, shall be commissioned by the commander-in-chief; they shall also be required to uniform and equip themselves, as prescribed by law, within sixty days after the date of their appointment, otherwise their commissions shall be revoked, and the offices declared vacated.

To be called the
"Colorado National
Guard",
duties.

SEC. 3 That section 1, of article III be stricken out and the following inserted in lieu thereof: Section 1. The organized militia shall be designated the "Colorado National Guard," and, in time of peace, shall consist of not more than three regiments of infantry, one regiment of cavalry and three batteries of artillery, with a total membership of not over five thousand (5,000) persons. They may be ordered into active service, by the Governor, to aid the civil officers to suppress, or prevent riot, or insurrection, or to repel, or prevent invasion, and they shall in all cases be called into service before the unorganized militia.

Brigades; how to
be divided, com-
mand, etc.

SEC. 4. That section 2 of article III, of the above mentioned act shall be stricken out and the following inserted in lieu thereof: Section 2. The Colorado National Guard shall (unless as heretofore provided), constitute one brigade, under the command of a brigadier general, and shall be organized into regiments, or battalions, as the commander-in-chief may direct. The brigadier general shall nominate on his staff an assistant adjutant-general, an assistant inspector-general, an assistant quartermaster-general and an assistant commissary of subsistence, each with the rank of major, and two aides-de-camp each with the rank of captain.

Military board.

SEC. 5. That section 1, of article VIII. be amended to read as follows: The commander-in-chief, the adjutant-general, the inspector-general, the judge-advocate-general, and the senior brigadier general shall constitute a military board which shall convene whenever the commander-in-chief may order, or the public good require.

SEC. 6. All acts or parts of acts in conflict with this ~~Repeal~~ act are hereby repealed.

SEC. 7. Whereas, in the opinion of this body, an ~~Emergency~~ emergency exists, this act shall become law immediately upon its passage.

Approved February 11, 1883.

AN ACT

TO AMEND SECTION TWO (2) OF CHAPTER SIXTY-THREE (63) OF THE GENERAL LAWS CONCERNING MARRIAGES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section two (2) of chapter sixty-three (63) of the general laws entitled, marriages, be and the same is hereby amended so as to read as follows: All marriages between parents and children, including grand parents and grand children, of every degree, between brothers and sisters of the one-half, as well as of the whole blood, and between uncles and nieces, aunts and nephews, are hereby declared to be incestuous and absolutely void; and all marriages between negroes or mulattoes, of either sex, and white persons, are also declared to be absolutely void. This section shall extend to illegitimate, as well as legitimate, children; *Provided*, that nothing in this section shall be so construed as to prevent the people living in that portion of the State acquired from Mexico, from marrying according to the custom of that country.

What marriages declared incestuous and void.

Miscegenation.

Approved February 13, 1883.

AN ACT

TO LEGALIZE THE ACTION OF THE SEVERAL BOARDS OF COUNTY COMMISSIONERS IN THE STATE IN MAKING CERTAIN APPROPRIATIONS IN AID OF "THE NATIONAL MINING AND INDUSTRIAL EXPOSITION," HELD AT DENVER, COLORADO, AND TO ENABLE THE COUNTIES TO MAKE ADDITIONAL APPROPRIATIONS.

Be it enacted by the General Assembly of the State of Colorado:

Legalizing appropri-
ations made
by counties.

SECTION 1. That all the appropriations made by the boards of county commissioners of the several counties in this State for the purpose of enabling such county to be properly represented at "The National Mining and Industrial Exposition," held at Denver in the year 1882, be and the same are hereby legalized, and the several county orders issued in payment of expenses incurred under such appropriations are declared valid and shall stand as other county indebtedness.

Counties may here-
after appropriate.

SEC. 2. That the board of county commissioners of any county in this State may make such appropriation as to them may seem proper, for the purpose of enabling such county to secure a proper representation of its interests in exhibits and expositions held in Colorado.

SEC. 3. Inasmuch as many county orders have been issued, in accordance with appropriations aforesaid, therefore in the opinion of this general assembly an emergency exists and this act shall be in force on and after its passage.

Approved February 19, 1883.

AN ACT

TO AMEND SECTION FIVE OF CHAPTER SEVENTY-ONE OF THE GENERAL LAWS OF THE STATE OF COLORADO, ENTITLED "OFFICIAL BONDS."

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. Section five of chapter seventy-one of the general laws of the State of Colorado, entitled "Official Bonds," is hereby amended so as to read as follows:

Section 5. It shall be the duty of the presiding judge of the district court of each district or county in this State, in open court, on the first day of each term of said court, to examine and inquire into the sufficiency of the official bonds of the clerk of said court, and if it shall appear that any one or more of the sureties on any such official bond has or have removed from the county or district, died or become insolvent, or are of doubtful solvency, an order shall be entered of record requiring such clerk within such time as may be fixed by the court, not less than five nor more than ten days from the entry of such order, to file a new bond, with sureties to be approved as is now required by law, unless the number and pecuniary ability of other sureties on the bond shall be such as to satisfy the said judges that the said bond is sufficient, notwithstanding one or more of the sureties may have removed, died, become insolvent or of doubtful solvency, in which case the bond in question may in the discretion of said judge, be held to be sufficient. Every clerk of the district court shall procure and cause to be filed in the office of the clerk of the county for which he shall have been appointed such clerk of court, a duly certified copy of such official bond.

Judge of district courts to examine into sufficiency of bond of clerk.

Certified copy, to be filed with the clerk and recorder.

Approved February 11, 1883.

AN ACT

TO REGULATE THE LABOR OF THE CONVICTS
OF THE PENITENTIARY OF THE STATE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That no labor shall be performed by the convicts of the Colorado State penitentiary off of the grounds belonging to said penitentiary, except such as may be incident to the business and management of the penitentiary; *Provided*, that this act shall not be construed to affect any existing contract.

Approved February 11, 1883.

AN ACT

TO AMEND SECTION ONE OF AN ACT ENTITLED
"AN ACT TO PREVENT PRIZE FIGHTS," BE-
ING CHAPTER EIGHTY OF THE GENERAL
LAWS, ENTITLED, "PRIZE FIGHTS," AND TO
ADD A NEW SECTION THERETO, ON THE
SAME SUBJECT.

Be it enacted by the General Assembly of the State of Colorado:

Challenging, ac-
cepting, fighting,
training, aiding
or abetting, etc.,
a felony.

SECTION 1. That section one, of chapter eighty, of the general laws, entitled, "Prize Fights," being an act entitled, "An Act to Prevent Prize Fights," be and the same is hereby amended to read as follows, to wit:

Section 1. Any person who shall send, cause to be sent, published or otherwise made known, a challenge to fight what is commonly called a prize fight, or who shall accept such challenge, or who shall engage in any such fight, or go into training preparatory to such fight, or act as trainer for any person contemplating a participation

in such fight, and any person who shall act as aider or abettor, backer, umpire, second, or assistant, at such fight, or in preparation for such fight, or shall in any manner whatever promote such fight, shall, upon conviction thereof, be deemed guilty of a felony and punished by confinement in the penitentiary not less than two years ^{Penalty.} nor more than ten years.

SEC. 2. That said chapter and act be further amended by adding a new section thereto, to be known as section three, to wit:

Section 3. Any person who shall agree in this State ^{Leaving State, etc., for purpose of fighting, a felony.} to fight out of this State, or shall train in this State to fight out of this State, or shall go or attempt to go out of this State to fight in any other State, place or territory, or being in this State shall in any way or manner, aid, abet or assist to fight or attempt to fight out of this State what is commonly called a prize fight shall be deemed guilty of a felony, and upon conviction thereof, be punished ^{Penalty.} by imprisonment in the penitentiary for a term not less than two nor more than five years.

Approved February 11, 1883.

AN ACT

AMENDING SECTIONS FORTY-FOUR OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF REVENUE, AND TO REPEAL CERTAIN ACTS IN RELATION THERETO," APPROVED MARCH 20th 1877.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section forty-four of an act entitled "An Act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto," approved March 20th 1877, is hereby amended so as to read as follows to wit: Section 44. On or before the first day

Auditor shall transmit statement to county clerk. of September in each year, the State auditor shall transmit to the clerk of each county a statement of the changes, if any, which have been made in the assessments, and the rate of taxes which is to be levied and collected within his county; which, however, shall not exceed three mills on the dollar of valuation, and when the board fixes no different rate or if for any reason the board fails to sit, or the county clerk should fail to receive the statement of the rate of tax ordered by them, that rate shall be deemed to be levied; and the clerk of each county in making up the tax list required by this act shall compute and carry out in the proper column a State tax at the rate aforesaid: *Provided, however,* that for the years 1883 and 1884, and annually thereafter, the rate of taxation shall, for State purposes, be three and one-half mills on the dollar, and for the purpose of establishing a fund for a capitol building, one-half of one mill on the dollar, unless the State board of equalization shall fix a lower rate.

Rate of tax. Rate of tax for 1883 and 1884, and annually thereafter.

Failure of clerk to comply with law; penalty. Any clerk failing herein may be fined in any sum not less than five hundred nor more than three thousand dollars, to be recovered by action of debt in the name of the people of the State of Colorado, in any court of competent jurisdiction.

Approved March 8, 1883.

AN ACT

AMENDING SECTION SIXTY-THREE (63) OF CHAPTER EIGHTY-SEVEN (87) OF THE GENERAL LAWS OF THE STATE OF COLORADO, ENTITLED, "REVENUE."

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section sixty-three (63) of chapter eighty-seven (87) of the general laws of the State of Colorado, entitled "Revenue," be and is hereby amended to read

as follows: The treasurer shall give notice of the sale of real property by the publication thereof once a week for not less than four weeks, in a newspaper in his county, if there be one, and additionally in all counties of the first class in a German newspaper, if there be one, the first of which publications shall be at least four weeks before the day of sale; and by a written or printed notice posted in a conspicuous place on or near the outer door of the office or building commonly used as the office of the treasurer, for not less than four weeks before the sale; and if there be no newspaper published in the county, the like notice shall be given by posting one written notice the above length of time in each election precinct in which any land to be sold is situate, and one on or near the door of the treasurer's office, as above provided.

Treasurer to give notice of sale by publication or otherwise.

WHEREAS, in the opinion of the general assembly, an emergency exists, this act shall take effect from and after its passage.

Approved March 2, 1883.

AN ACT

TO AMEND SECTION ONE (1) OF AN ACT ENTITLED "AN ACT TO AUTHORIZE THE STATE TREASURER TO APPLY CERTAIN MONEYS BELONGING TO THE GENERAL REVENUE FUND TO THE PAYMENT OF INTEREST ON STATE WARRANTS," APPROVED JANUARY 16, 1879.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Section one (1) of an act entitled "An Act to authorize the State treasurer to apply certain

moneys belonging to the general revenue fund to the payment of interest on State warrants," approved January 16, 1879, is hereby amended so as to read as follows: Hereafter the State treasurer shall be authorized to pay in manner prescribed by law, interest on State warrants out of the general fund, and charge the same to interest account on the books of the State treasurer.

Authorizing pay-
ment of interest
on State warrants.

Approved February 15, 1883.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE A FUND FOR THE WORLD'S FAIR COMMISSIONERS."

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That an act entitled, "An Act to Provide a Fund for the World's Fair Commissioners," approved February 12th, 1881, be and the same is hereby repealed.

SEC. 2. The money appropriated by said act shall be transferred to the general fund.

SEC. 3. Inasmuch as an emergency exists, this act shall take effect from and after its passage.

Approved February 19, 1883.

AN ACT

CONCERNING ROADS AND HIGHWAYS, AND TO REPEAL ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF COLORADO, ENTITLED, "AN ACT CONCERNING ROADS AND PUBLIC HIGHWAYS," APPROVED MARCH 22, 1877, AND AN ACT TO AMEND CHAPTER EIGHTY-EIGHT OF THE GENERAL LAWS, APPROVED FEBRUARY 18, 1879.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. All roads and highways, except private roads heretofore established in pursuance of any law of this State or the Territory of Colorado, and roads dedicated to public use, that have not been vacated or abandoned, and such other roads as are now recognized and maintained by the corporate authorities of any county in this State, are hereby declared to be public highways.

All roads except private, declared public highways.

SEC. 2. All public highways, except such as are owned and operated by private corporations, and highways within the corporate limits of any incorporated city or town, shall be maintained and kept in repair by the respective counties in which they are located.

Roads except, etc., to be kept in repair by counties.

SEC. 3. Whenever, in the opinion of the board of county commissioners of any county, any road or part of road then established and maintained as a public highway, is not needed, or the repairs of the same are burdensome in excess of the benefits therefrom, they may at a regular meeting appoint a board of commissioners of three free holders of the county as viewers, to view such road or part of road, and make report thereof to the board of county commissioners at their next regular meeting, setting forth fully their finding, and if they recommend a discontinuance of such road or part of road, then the board of county commissioners may order the same located; *Provided*, that if such road runs on the county line between two counties, the county commis-

Commissioners to appoint viewers.

Report of viewers.

When road in two counties both to concur. sioners of both the counties interested shall appoint viewers, and the concurrence of the county commissioners of both such counties shall be necessary to vacate it.

County commis- sioners may alter, widen or change upon petition.

SEC. 4. The board of county commissioners may alter, widen or change any established road or lay out any new road in their respective counties when petitioned by ten free holders residing within two miles of the road sought to be altered, widened, changed or laid out. Said petition shall set forth a description of the road sought to be altered, widened or changed and if the petition be for a new road it shall set forth the point where it is to commence, its general course and place where it is to terminate.

Petitioners to deposit money for expenses of viewing, etc.

SEC. 5. The petitioners shall deposit with the county clerk of the county in which any road is sought to be altered, widened, changed or laid out and established, a sufficient sum of money, which shall be fixed by the board of the county commissioners, to defray the expense of viewing the proposed road, which sum shall be paid into the county road fund in case the prayer of the petitioner be refused, but if the board of county commissioners alter, widen, change or lay out such road then such sum shall be returned to the person or persons depositing the same. The petitioners in lieu of such deposit may file with the county clerk aforesaid a good and sufficient bond conditioned for the payment of the expenses of viewing such road should the prayer of the petitioners be refused.

Where road is on county line petition to be sent to commissioners of both counties.

SEC. 6. If any proposed highway be on the county line between two counties, the board of county commissioners of each county interested shall be petitioned, and each of such boards shall appoint three viewers, qualified as in other cases, who or a majority of them, shall meet at a time and place named by the board of the county [commissioners] first interested, and proceed to view and mark out the road, and report to the board of county commissioners of both counties, as in other cases, and the concurrence of the county commissioners of both such counties shall be necessary to establish it. And if any such road be established, each of such counties shall open and maintain a definite part thereof, which the

board of county commissioners of such counties shall apportion by mutual agreement between the two counties, and if the boards of county commissioners cannot agree upon the apportionment they may refer the matter to three disinterested freeholders as arbitrators, whose duty it shall be to apportion the same and report thereon to the boards of county commissioners of both counties.

SEC. 7. It shall be the duty of the board of county commissioners of any county in this State at their next meeting, after a petition as required in section four of this act is received, to appoint a board of commissioners of three free holders of the county to view and mark out the road prayed for in the petition, and to fix a time for such view, and to cause notices to be posted in three of the most public places, along the proposed new road, at least five days previous to the day fixed for the view thereof, giving parties in interest notice that at the time fixed by the board of county commissioners, the viewers so appointed will meet at the point designated in the petition as the starting point of such road, to attend to their duties as viewers.

County commissioners to appoint commissioners to view and post notices of time, etc.

SEC. 8. The county clerk shall issue a warrant directed to the viewers appointed, setting forth their appointment, and requiring them to meet at the time and place named by the board of county commissioners, and to proceed to view and mark out such road, to assess the damages and benefits accruing to the owner or owners of any of the lands over which the same may pass, by reason of the alteration, widening, changing or location thereof, and the probable cost of opening such road for travel.

County clerk to direct warrant to viewers, commanding, etc.

SEC. 9. The sheriff of the proper county shall serve the warrant mentioned in the preceding section, by delivering a copy to each of the viewers named therein, and the original he shall return to the county clerk with his endorsement of service made thereon. Any person appointed road viewer and duly served with a warrant, who shall wilfully neglect or refuse to act, shall forfeit the sum of twenty-five dollars to the county.

Sheriff to serve said warrant.

SEC. 10. The viewers appointed and served with warrant as herein provided, shall meet at the time and

Viewer's duties.

Assess the benefits
and damages.

place specified in the warrant, and commencing at the place designated in said petition as the starting point of the road sought to be altered, widened, changed, or laid out and established, the said viewers shall proceed to view and mark out the same by setting stakes, blazing trees, turning a furrow, or other appropriate monuments to the terminus named in the petition by the most practicable and convenient route that they in their judgment can find. They shall assess the benefits and damages accruing to all persons by reason of the alteration, widening, changing, or laying out of such road, and award to any person or persons damages in excess of the benefits accruing to him or them, a sum equal to such excess. And if the viewers or a majority of them be of opinion that the road should be altered, widened, changed or laid out and established, they shall cause a survey and plat of the same to be made by the county surveyor or other competent person, giving the courses and distances and specifying the land over which the road extends.

Viewers to fill va-
cancy.

SEC. 11. If any viewer duly appointed and served with warrant refuses to act or is disqualified or does not appear the other two viewers may fill such vacancy, or if but one of the viewers appears who is qualified and consents to act he shall appoint two others who shall be freeholders to assist him and they shall proceed to view such road.

Report.

SEC. 12. The viewers shall file a report of the view in the office of the county clerk and recorder of the county in which such view was made ten days before the next regular meeting of the board of county commissioners held after the same is completed, which shall be signed by a majority of the viewers and shall contain a full statement of their proceedings, a description of the land over which such road extends, an estimate of the cost of opening it for travel, an assessment of the damages and benefits accruing to any person or persons by reason of the alteration, widening, changing or laying out of such road, and the sum awarded any person or persons for damages in excess of the benefits assessed to him or them, and if such road be practicable and the establishment of it be recommended by them. To this report the viewers shall annex the plat, survey and re-

port of the surveyor. For their services the viewers shall receive (shall receive) a warrant on the county treasurer for a sum to be fixed by the county commissioners not exceeding five dollars per day.

SEC. 13. The board of county commissioners at their next regular meeting, after the return of such report shall proceed to consider the same and all objections that may be made thereto, and they shall determine whether or not such road shall be established and opened for travel. And they may refer the matter of viewing to the same or other viewers with instructions to report in like manner, as herein required, or specially upon some particular matter.

County commissioners to hear objections and determine.

SEC. 14. If the board of county commissioners determine to open any such road, they shall cause the full and final report of the viewers, including the plat and report of the surveyor, to be recorded in the office of the county clerk and recorder in a book kept for that purpose.

When road opened said report, plat, etc., to be filed.

SEC. 15. The board of county commissioners having considered the report of any road view, and the compensation to which any person or persons damaged having been ascertained and paid to the owner or owners or into court for him or them, may order the road to be opened for travel. And if they do so order they shall cause notices to be posted at three public places along the line of such road, giving all parties notice that they have or will direct their proper officers to open and work the same from and after sixty days from the date of such notice; *Provided*, no such road shall be ordered opened through fields of growing crops or along a line where growing crops would thereby be exposed to stock until the owner or owners of such crops shall have sufficient time to harvest and take care of the same.

Damages, how paid.

Notices.

Not to open through fields of growing crops, etc.

SEC. 16. If the damages assessed to any person or persons by reason of the alteration, widening, changing or laying out of any road shall exceed the benefits, the excess shall be paid to such person or persons by warrant on the county treasurer for the amount. If any person or persons to whom damages are awarded be under disability, or cannot be found, the same shall be set apart to such person or persons in the county treasury.

Damages exceeding benefits, how paid.

Appeals from view-
er's estimates.

SEC. 17. If any person or persons be of opinion that the damages awarded him or them by the viewers are inadequate and insufficient, the board of county commissioners may agree with such person or persons upon the measure of the same.

When jury may de-
termine dama-
ges.

SEC. 18. Any person or persons owning or having an interest in any land over which any proposed road extends, who shall be of opinion that the damages awarded him or them by the road viewers, are inadequate and insufficient, may personally or by agent or attorney, on or before the first day of the next regular meeting of the board of county commissioners held after the report is filed in the office of the county clerk and recorder of the county in which the view was made, [file] a written request addressed to the board of county commissioners for a jury to ascertain the compensation which he or they may be entitled to, by reason of damages sustained by altering, widening, changin [changing] or laying out such road. Thereupon the board of county commissioners shall apply to the judge of the district or county court of the same county by filing a petition, as in other cases under the act of the general assembly of the State of Colorado, entitled, "An Act to Provide for the Exercise of the Right of Eminent Domain," approved February 12, 1877, and the compensation to be paid such person or persons shall be ascertained and the land condemned, the rule of court or decree rendered, and all condemnation proceedings thereupon shall be according to the proceedings of said act, as in other cases. The board of county commissioners of any county may, and they are hereby authorized, to take and condemn, or cause to be condemned, the lands of private persons under and according to said eminent domain act in the first instance without view or other proceeding under this act.

Width of highways.

SEC. 19. All public highways hereafter laid out in this State shall be sixty feet in width unless otherwise ordered by the board of county commissioners.

When all the own-
ers of land peti-
tion.

SEC. 20. Whenever a petition shall be presented to (to) the board of county commissioners of any county of this State praying for a public highway, and the names of all the owners of all the land through which said road is to be laid out, shall be signed by the owners thereof to

said petition, giving the right of way through the lands, and accompanied by a plat of the road, it shall be the duty of the board of county commissioners, if in their opinion, the public good requires it, to declare the same a public highway, and thereupon the plat shall be filed and recorded and the said road shall become a public highway from and after that date.

SEC. 21. The manner of laying out any private wagon road from the dwelling of any person to any public road, and of condemning the lands necessary therefor, shall be the same as hereinbefore provided, excepting that the viewers of the same shall only receive compensation for one day's service, and mileage to and from their respective places of residence; and the petition in such cases need be signed only by such person, and the expense of viewing and surveying such road and the damages which may accrue, to any person by reason of laying out the same, and the expense of opening such road shall be paid by such petitioner.

Private road over land of another to be a public road; how right of way secured.

SEC. 22. When any highway is to be altered, widened, changed or laid out, the county clerk shall notify the overseer of the proper district, and for such notice the clerk shall receive fifty cents from the county treasury.

County clerk to give notice to road overseer.

SEC. 23. When any public road heretofore laid out or traveled as such, or hereafter to be laid out or traveled, crosses any creek or stream of water, and such stream during any part of the year is usually fordable where such road crosses, or shall cross the same, the said ford and the banks of the stream adjacent thereto, and the roadway or track usually traveled leading thereto from such highway shall be deemed and taken to be part of such highway, and any person who shall obstruct any such ford, or the road leading thereto, or shall dig down the banks of such ford, or who shall erect any dam, or embankment or other obstruction in such stream, or wing dam or other obstruction on the banks of said stream, for the purpose of raising the water of said stream upon the said ford, so as to render the said ford impassable, or more difficult of passage than heretofore, or who shall maintain any such dam, wing dam, embankment or

Crossing streams.

obstruction heretofore erected, after being by the road overseer of the district notified to remove or abate the same, shall be liable to the same penalties as are herein-after prescribed for obstructing a public highway, and no person or corporation upon any pretense or authority, shall be permitted to erect a toll bridge over any stream at or upon any public ford, or road crossing, or so near thereto, as by the abutments, embankments, or piers of such bridge, to obstruct, or render impassable the said ford, or roadway leading thereto.

Bridges.

SEC. 24. When any bridge is to be built the estimated cost of which will exceed one hundred dollars, the work shall be let out by contract, and the board of commissioners shall advertise for sealed proposals for performing the work in some newspaper published in the county for a period of not less than three weeks; *Provided*, that if there is no newspaper published in the county where such bridge is to be built, the board of county commissioners shall cause to be posted up in five of the most public places in said county such advertisement, the same to be posted up at least ten days before such contract shall be let. Such advertisement shall describe the bridge to be built, its location, and shall refer all persons to the person or persons holding the plans and specifications therefor, and such contract so to be let shall be awarded to the lowest responsible bidder, to be paid for out of the road fund or general fund, as the county commissioners may determine.

County commissioners to divide counties into road districts.

Overseer; term of office and bond.

SEC. 25. The board of county commissioners shall divide their counties in suitable road districts as in their judgment will best subserve the interests of the people of the whole county. In each district so formed there shall be elected annually in the same manner as other district and precinct officers, a road overseer of such district, who shall hold his office for a period of one year, or until his successor is duly qualified, who shall file with the county clerk a sufficient bond approved by the board of county commissioners for the faithful performance of his duties as such road overseer, and to secure payment of any money that he may receive under the provisions of this act.

SEC. 26. The board of county commissioners of the respective counties of the State may levy a property tax for road purposes, which shall not exceed one dollar on each one hundred dollars to be levied and collected in the same manner and at the same time as other property taxes are levied and collected in each year. The commissioners shall apportion the fund, so collected, among the several road districts of their respective counties, and the same shall be paid out only on the order of the board of county commissioners; but all property included within the limits of incorporated towns and cities shall not be subject to such tax.

Road tax on property.

SEC. 27. Every able bodied man, between the ages of twenty-one and fifty years, shall annually pay to the overseer of roads of the district wherein he resides, a road tax of three dollars, or in lieu of such sum, shall labor two days upon the public roads, whenever notified by the overseer, as hereinafter provided, but the provisions of this act shall not apply to persons residing within the corporate limits of cities and towns.

Road tax on persons between 21 and 50 years of age.

SEC. 28. The road overseers shall keep the county roads and highways of their respective districts in repairs and in good condition for travel. The road overseers shall notify all persons in his district subject to road tax, between the first day of April and the first day of September in each year, to appear at such time and place, and with such tools as he may designate to perform the work required in lieu of road tax; *Provided*, nothing in this section shall prevent the overseer from calling out any such persons to perform such work at any time when he shall consider the same needed.

Duties of overseers. Failure to pay road tax.

SEC. 29. Any person subject to road tax and refusing or neglecting to pay the same and failing to perform the work in lieu thereof, for a period of ten days after being notified according to the provisions of the preceding section, shall be considered delinquent, and the overseer shall proceed to levy upon and sell at public auction, to the highest bidder for cash, any property of said delinquent, or so much thereof as may be necessary to satisfy such delinquency and costs, upon giving ten days' notice by posting the same in three public places in his district.

Failure to pay road tax.

Proceedings to re-
cover, notice, etc.

SEC. 30. If any road tax be unpaid and delinquent, the road overseer of the district wherein the same is due and payable, may serve on any debtor of the person from whom such road tax is due, a notice printed or in writing, or partly printed or partly written, that such road tax has been demanded and is unpaid, and requiring such debtor of the person delinquent to pay to such road overseer the full amount of such road tax, with fifty cents additional thereto for costs of such notice; and every such notice may require such debtor to appear before some justice of the peace of the county, at a day and hour named therein, to answer said road overseer as the garnishee of such delinquent tax payer.

Service of notice
same effect as
garnishee pro-
cess.

SEC. 31. The service of such notice shall have the same effect as the service of a garnishee process, and upon the service thereof, the person upon whom the same is served shall be authorized to pay to the road overseer the amount of tax assessed against said delinquent, together with fifty cents in addition thereto, and such payment shall to the extent thereof bar any further liability therefor to such delinquent tax payer.

Costs.

SEC. 32. If any such debtor upon whom service of any such notice is made, shall fail or refuse to pay the road overseer serving the same, the amount of such tax, with the fee of fifty cents for serving such notice, as provided by the two preceding sections, he shall be liable for all costs thereafter accruing in said proceedings of garnishment. Every road overseer, for the service of such notice, shall be entitled to receive fifty cents.

Fee of overseer.

Overseer to report
to county treas-
urer.

SEC. 33. If any person required by this act to pay a road tax shall neglect to make such payment, or perform the labor in lieu thereof, and the road overseer is unable or neglects to collect the same prior to the first day of November in any year, it shall be the duty of the overseer of roads to report such delinquency to the county treasurer of the county, who is hereby authorized and required to collect the amount of such delinquency from the delinquent in the same manner as other taxes are collected, and to pay the same over to the overseer of roads of the road district in which the same are due and payable.

SEC. 34. The road overseers shall report to the board of county commissioners at their regular October meeting of each year, a list of all persons in his district subject to a road tax, the names of all persons who have performed the work in lieu thereof; the amount of money collected and paid out by him, from whom received, to whom and for what it was paid, the number of days he has been in actual service as road overseer, and the list of delinquents.

To render an account to county commissioners at October meeting.

SEC. 35. Each road overseer shall receive as compensation for his services a sum to be fixed by the board of county commissioners not exceeding five dollars per day for each days' service rendered as road overseer, to be paid out of the road fund in the county treasury, belong [belonging] to the respective districts.

Compensation.

SEC. 36. No person or persons shall erect any fence, house or other structure, or dig pits or holes in or upon any highway, or place thereon any stones, timber, trees or any obstruction whatsoever; and no person or persons shall tear down, burn or otherwise damage any bridge of any highway, or cause waste water or the water from any ditch, road, drain or flume to flow in or upon any road or highway so as to damage the same.

No person to erect fence, building or other structure, dig ditches, etc., across.

SEC. 37. No person or persons, corporation or company, shall dam the waters of any stream so as to cause the same to overflow any road, or damage or weaken the abutments, walls or embankments of any bridge of any highway. Any person or persons, corporation or company, violating any of the provisions of this section, shall forfeit the sum of fifty dollars to the company, [county] and shall be liable to any person or persons, corporation or company, in a civil action, for any damages resulting therefrom.

Not to dam streams so as to cause overflow.

SEC. 38. Any person or persons, corporation or company, owning or constructing any ditch, race, drain or flume in, upon or across any highway, shall keep the highway open for safe and convenient travel, by constructing bridges over such ditch, race, drain or flume, or by providing other safe and convenient way across or around the said ditch; and within five days after any ditch is constructed across, in or upon any highway, at any point thereof, so as to interfere with or obstruct such

highway, the person or persons owning or constructing such ditch shall erect a good and substantial bridge across the same, which shall thereafter be maintained by the county. Any person or persons, corporation or company constructing any ditch, race, drain or flume in, upon or across any highway, and failing to keep the highway open for safe and convenient travel, shall forfeit the sum of twenty-five dollars to the county. And any person or persons, corporation or company, who shall fail to erect a good and substantial bridge across any ditch, race, drain or flume within five days after the same is constructed in, upon or across any highway, shall forfeit the sum of twenty-five dollars to the county, together with the cost of constructing there a good and substantial bridge, which the overseer shall at once proceed to build, and shall also be liable in damages to any person or persons damaged by such neglect.

Penalties.

Penalties, fines,
etc., how recover-
ed.

SEC. 39. All fines, penalties and forfeitures incurred under any provisions of this act except as otherwise provided, shall be recoverable by an action of debt in the name of the people of the State of Colorado, in any court of competent jurisdiction, and the county treasurer shall set the same apart to the district wherein the same accrued.

Repeal.

SEC. 40. The acts of the general assembly of the State of Colorado, entitled "An act concerning roads and public highways," approved March 22, 1877, and "An act to amend chapter eighty-eight of the general laws," approved February 18, 1879, be and the same are hereby repealed; *Provided*, that the repeal of said acts shall not be construed to effect any right nor to abate any suit or action or proceeding existing or pending under the acts hereby repealed.

Approved March 9, 1883.

AN ACT

TO PROVIDE FOR CONDEMNING SITES FOR PUBLIC SCHOOL BUILDINGS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. It shall be lawful for any school district in this State to take and hold under the provisions of chapter thirty-one of the general laws, so much real estate as may be necessary for the location and construction of a school house, and convenient use of the school; *Provided*, that the real estate so taken otherwise than by the consent of the owner thereof shall not exceed one acre.

Authorize districts
to hold real estate.

SEC. 2. Whereas in the opinion of this general assembly an emergency exists, therefore this act shall be in force from and after its passage.

Approved February 13, 1883.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A SYSTEM OF FREE SCHOOLS."

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Section twelve (12) being section 2458 of general laws, of an act to establish and maintain a system of free schools, approved March 20, 1877, to be amended to read as follows: Section 12. He may employ an assistant librarian, who shall have charge of the State library, under such regulations as may be prescribed by the State librarian, or by law. Said assistant shall receive the annual salary of one thousand dollars for his services.

Assistant Librarian.

SEC. 2. Section sixteen (16), being section 2462 of general laws, to be amended to read as follows: Section 16. The certificates issued by the county superintendents shall be of three grades, distinguished as first, second and third. The first grade certificate shall be valid for two years; the second grade for one year, the third grade for six months. A county superintendent may renew a certificate of the first grade by endorsing such renewal thereon, and may revoke certificates of any grade at any time for immorality, incompetency or other just cause. It shall be deemed a violation of law to grant a certificate of either of the above named grades, without requiring the applicant to pass a thorough and satisfactory examination in such branches and at such times as are specified in section fifteen (15) of this act, and in all such examinations, the questions prepared by the superintendent of public instruction shall be used; *Provided, however*, that a certificate of the third grade shall not be refused because of the failure of the applicant in the elements of the natural sciences. The superintendent may, however, upon satisfactory evidence of competency issue a temporary certificate, which shall be valid only until the next regular examination, at which time the holder of such temporary certificate shall appear for a complete examination as aforesaid. It shall not be lawful to renew a temporary certificate, nor to grant a second one to the same person. The superintendent shall keep an official record in a suitable book of the persons so examined, containing the name, age, nationality, date of examination, and grade of certificate issued; he shall also retain for six months the written answers of all applicants at the regular examinations, and hold the same subject to the order of the State board of education; *and provided further*, that in school districts of the first class, the examination of teachers to fill vacancies, may be conducted by the school boards of such districts, and a teacher thus examined and employed by a district of the first class, shall not be required to hold a certificate from the county superintendent while teaching in such district. A county superintendent may upon the application of a teacher holding a first grade certificate received at a regular examination in another county in the State, and in full force at the time, issue to said teacher a certificate of

Grades of certificates, renewals; temporary certificates.

like grade if satisfied of his or her ability to teach; *Provided*, that such certificate shall not show the standing in each branch, nor be subject to renewal, but shall show the condition upon which it is issued. In case a certificate is revoked or refused at a regular examination by the county superintendent, the right of appeal to the State board of education, shall not be denied the teacher or applicant, if said appeal be taken within thirty days from date of notice of such revocation or refusal.

SEC. 3. Section twenty (20) (being section 2466 of general laws) to be amended to read as follows: It shall be the duty of the county superintendent to exercise a Superintendent to
superintend and
visit schools. careful supervision over the schools of his county; to visit each school at least once each quarter it is in session; to see that all the provisions of this act, are observed and followed by teachers and school officers; to examine the accounts of the district officers to see if such accounts are properly kept, and all district funds properly accounted for; to keep in a good and substantial bound book a Examine accounts
etc. record of his official acts, and of other matters required by law to be recorded; to obey the legal instructions of the State superintendent, and to exhibit his books, and report the financial condition of his office to the board of Report. county commissioners on or before the first Monday in July in each year, and shall cause the same to be published in some newspaper of his county on or before the close of the school year.

SEC. 4. Section twenty-five (25) (being section 2471 Salary limit. of general laws) to be amended to read as follows; For the time necessarily spent in the discharge of his duty he shall receive five dollars per day and fifteen cents for each mile necessarily traveled. He shall, as far as practicable render an itemized bill of his services and mileage each month or quarter to the board of county commissioners and shall make oath that the bill is just and correct, whereupon the county commissioners shall order a warrant on the county treasurer, payable from the general county fund; *Provided*, that the annual salary so received shall in no case exceed one hundred dollars for each regularly organized public school in the county. The commissioners shall provide him with a suitable County to provide
books, etc. office at the county seat and all necessary blank books,

stationary, postage, expressage and other expenses of his office, not otherwise provided for, which last mentioned expenses shall be paid for from the county fund. And

Qualifications of superintendent. no person shall hereafter be eligible to the office of county superintendent of schools who is not a person of culture and practical experience and learning in those branches of education taught in the public schools, as provided in this act, and a person of good moral character.

County treasurer, duties, not to pay over money in certain cases. SEC. 5. Section twenty-six, (26) (being section 2,472 of general laws) to be amended to read as follows: It is hereby made the duty of the county treasurer in each county to keep a separate account with each school district in his county; to place to the credit of each the amount of money as certified to be [by] the county superintendent as provided in section nineteen, and to pay over the money so collected, upon the presentation of the legally drawn warrants or orders of the district officers entitled to draw the same; *Provided*, that if the county superintendent shall notify the county treasurer in writing that there has been a failure on the part of any board of directors to comply with the law, and that said money should be withheld from said board of directors, he shall retain the same until further notice from the county superintendent. On or before the fifth day of September, in each year, he shall render to the county superintendent of schools a statement of the receipts and disbursements, on account of the several districts, of all the school funds which have passed through his hands during the school year next preceding, and at the same time he shall render to each district secretary a statement of receipts and disbursements of such district. All money which shall become forfeited by any district shall be put into the general school fund and re-apportioned as other moneys.

SEC. 6. Section thirty-two (32) (being section 2,478 of general laws) to be amended to read as follows:

New districts to receive just shares of funds.

Section 32. When a new district is formed from one or more old ones, it shall be entitled to a just share of the school moneys remaining to the credit of the old district or districts after deducting for the payment of all outstanding debts, excepting debts incurred for building

and furnishing school houses. A division of the funds shall be made by the county superintendent, and said division shall be based upon the school population as shown by the last school census before the division of the district or districts occurred, and shall apply to such funds as remain to the credit of said old district or districts at the time of the organization of said new district. Each district shall receive funds in proportion to its per cent. of the said census. In case of division all permanent property, such as sites, school houses and furniture, shall belong to the original district or districts from which the new one is formed. No money shall be apportioned to such new district until a school shall have been commenced therein in good faith.

Division of the funds according to census.

SEC. 7. Section forty-one (41) (being section 2487 of general laws) to be amended to read as follows: There shall be elected in each school district of this State annually, and in the manner prescribed in section forty-four (44) of this act, a board of directors. The number of persons that shall constitute each board of directors shall be determined as follows: The school districts shall be classified into first (1st), second (2nd) and third (3rd) classes. Districts containing a school population of more than one thousand (1,000) shall be denominated districts of the first (1st) class; districts containing a school population of three hundred and fifty (350) and not exceeding one thousand, shall be denominated districts of the second (2nd) class; and districts containing a school population of less than three hundred and fifty (350) shall be denominated districts of the third (3d) class. At the next regular election hereafter as provided in section forty-four (44) of this act, all districts of the first (1st) class shall elect by ballot two (2) directors for three (3) years; two (2) directors for two (2) years; and two (2) directors for one (1) year; and annually thereafter there shall be elected two (2) directors for three (3) years. All districts of the second and third classes shall elect one (1) president for three (3) years, one (1) secretary for two (2) years, and one (1) treasurer for one (1) year; and annually thereafter there shall be elected for three (3) years a person to fill the vacancy occurring. School boards of the first class shall, at their first meeting after their election, elect a president, who shall be a member of the board; a

Directors.

Districts classified, election of officers, etc.

secretary, who may or may not be a member of the board; and a treasurer, who shall not be a member of the board, who shall each hold [his] office for one year, or until his successor is elected and qualified. In districts of the first and second classes the boards after organization shall exercise all the power given to the electors of districts of the third class, as specified in section sixty-two (62) of this act; *Provided*, that all districts organized under the territorial law of A. D. 1876, shall elect at the next regular election only such district officers as may be necessary to fill the vacancies occurring under the provisions of said law.

SEC. 8. Section fifty (50), (being section 2496 of general laws), to be amended to read as follows: Section 2496 of general laws. Section 50. Every school board, unless otherwise especially provided by law, shall have power, and it shall be their duty.

Duties of boards of
directors.

First. To employ or discharge teachers, mechanics and laborers, and to fix, allow, and order paid their salaries and compensation, and the compensation of members of the [board] for services actual[y] rendered, and to determine the rate of tuition for non-resident pupils.

Second. To enforce the rules and general regulations of the State superintendent, to fix the course of study, the exercises and the kind of text books to be used; *Provided*, that but one kind of text book of the same grade or branch of study shall be used in the department of a school, and that after the adoption of any book it shall not be changed in less than four years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered or the supply stopped.

Third. To provide for school furniture, and for everything needed in the school house, or for the use of the school board.

Fourth. To rent, repair and insure school houses.

Fifth. To build or remove school houses, and to purchase or sell school lots when directed by a vote of the district so to do.

Sixth. To hold in trust for their district all real or personal property for the benefit of the school thereof.

Seventh. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school children under six years of age.

Eighth. To determine the number of teachers that shall be employed, and length of time over and above three (3) months that the school shall be kept; to fix the time for the opening or closing of schools, and for the dismissal of primary pupils before the regular time for closing schools.

Ninth. To provide books for indigent children, on the written statement of the teacher, that the parents of such children are not able to purchase them.

Tenth. To require all pupils to be furnished with the proper and suitable books as a condition of membership in school.

Eleventh. To exclude from school and school libraries, all books, tracts, papers or catechisms of a sectarian nature.

Twelfth. To require teachers to conform to the law.

Thirteenth. To make an annual report as required by law to the county superintendent, on or before the tenth day of September in each year, in the manner and form, and on the blanks prescribed and furnished by the superintendent of public instruction.

Fourteenth. To make a report directly to the State superintendent whenever instructed [by] him so to do.

Fifteenth. The school board of any district may with the concurrence of the board of an adjoining district or districts, admit pupils from either of said districts, to a school within their own district, but said pupils shall be enumerated in their respective districts, and the portion of the school money to which they may be entitled by such enumeration shall be applied to the support of said (the) school where they shall attend.

SEC. 9. Section fifty-four (54) (being section 2500 of general laws) to be amended to read as follows: Section

Superintendent to
locate by district
each school.

54. The census lists of the several districts shall be carefully examined and compared by the county superintendent and if the name of the same person be found upon more than one list, he shall strike said name from all lists except that of the district in which such person was residing in good faith on the twentieth day of June aforesaid. The residence of an unmarried person of school age shall in all cases be held to be identical with the *bona fide* residence of the parent or guardian of such person. If the county superintendent find upon any census list the names of any persons who he believes were not residents in good faith of such district as aforesaid, he shall notify the secretary certifying the list and if said secretary shall not establish the correctness of the list within fifteen (15) days after such notification such names shall be stricken from the list. At the time of taking the annual census, the secretary shall use reasonable diligence to ascertain the number of blind and deaf-mute persons resident in the district between the ages of four (4) and twenty-two (22) years with the name and postoffice address of each. Said items shall be embodied in his annual report to the county superintendent.

Blind and deaf
mute persons.

Licences of teach-
ers.

SEC. 10. Section fifty-nine (59) (being section 2005 [2505] of general laws) to be amended to read as follows: Section 59. No district board shall employ any person to teach in any of the public schools of the State, unless such person shall have a license to teach, issued from the proper district, county or State authority and in full force at the date of employment; and any teacher who shall commence teaching in any such school without such license, shall forfeit all claims to compensation out of the school fund for the term so teaching without such license. And if a teacher's license shall expire by its own limitation within a term of employment, such expiration shall not have the effect to stop the school or stop the teacher's pay; *Provided*, that a teacher whose certificate so expires shall, at the first regular examination, or before, secure a renewal thereof, or a new certificate; *and provided further*, that a certificate shall not be required of persons employed to teach either music, drawing or modern languages, only no teacher shall be dismissed without due notice and upon good cause shown, and such teacher shall be entitled to receive pay for services rendered.

SEC. 11. Section sixty (60) (being section 2506 of general laws) to be amended to read as follows: Section 60. The principal teacher of every public school in this State shall, at the commencement and close of each term, notify the county superintendent of such commencement and close, and at the expiration of each term of service furnish a complete report to the school board of his district, verified by affidavits showing the length of the school term, in days actually taught, including national holidays that occur during the weekly sessions; the number of teachers employed, male and female; the number of pupils enrolled during the term, distinguishing between males and females; the average daily attendance; branches pursued and text books used. Besides such term records and reports, the principal teacher shall keep a registry in a suitable book, which shall be furnished by the board, which shall show, alphabetically arranged, males and females separately, the name, age, parent or guardian, date of enrollment, number of days' attendance during each term and total number of days' attendance of each pupil during each school year beginning September first (1st). The affidavit above mentioned may be taken by the president of the school board; *Provided*, that in graded schools the subordinate teachers shall make such reports to the principal or superintendent of such school, who shall forward to the district secretary an abstract of such reports; and until such reports shall have been filed, and such yearly registry made the president shall not draw his warrant for the last month's salary of the teacher. It shall be the duty of each successive teacher to keep the said annual register, as above specified, for the time that such teacher has charge of the school, and the teacher who shall be in charge at the close of the last term of each school year shall include in the annual report all statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year.

Principal, to make report to the board.

In graded schools teachers to make report.

Teacher to keep registry.

SEC. 12. Section seventy-seven (77) (being section 2523 of general laws) to be amended to read as follows: Section 77. The public schools of this State shall be taught in the English language, and the boards shall provide to have taught in them the branches specified in section fifteen (15) of this act and such other branches of

What branches shall be taught.

learning and other languages as they may deem expedient, and whenever the parents or guardians of twenty or more pupils in attendance at any school shall so demand, the district board may procure efficient instructors and introduce the German and Spanish, or either language and gymnastics as a branch of study into such school; *Provided*, that such demand is made before the teacher or teachers are employed for the ensuing term.

Teachers' institute.

SEC. 13. Section eighty (80) (being section 2526 of general laws) to be amended to read as follows: Section 80. Whenever reasonable assurance shall be given by the county superintendent of any county in the State to the superintendent of public instruction that not less than twenty-five teachers in said county desire to assemble for the purpose of holding a teachers' institute to remain in session not less than two week of five days each, he shall appoint the time and place of said meeting and give due notice thereof to the county superintendent and for the purpose of defraying the expense of said institute the said state superintendent is hereby authorized to draw out of any funds in the State treasury appropriated to this purpose a sum not exceeding one hundred (100) dollars annually and shall transmit the same to the county superintendent in whose county the institute shall be held who shall defray [the] necessary expenses of the institute, and if any balance remains, he shall refund the same into the State treasury within ten day[s] after the close of the institute aforesaid. Whenever any such institute is in session, the board of directors of such schools as may be in session at the time may close the schools during its sessions, if they deem it advisable and permit the teachers thereof to attend such institute; and the pay of such teachers while attending the institute shall continue the same as though such schools had not been closed.

Appeals from county superintendent.

SEC. 14. Section eighty-seven (87) (being section 2533 of general laws), to be amended to read as follows: Section 87. Any person aggrieved by any decision or order of the county superintendent in matter of law or fact, may within thirty days after the rendition of such decision or making of such order, appeal therefrom to the State board of education in the same manner as

provided in this act, for taking appeals from the district board to the county superintendent as nearly as applicable, except that the said board shall give thirty days' notice of the appeal to the county superintendent, and the like notice shall be given the adverse party. In case of an appeal where a trial has been had before the county superintendent and a decision rendered, the State board shall examine a transcript of such proceeding, and render a decision therefrom, but no new testimony shall be admitted. In other cases of appeal, the board may require of the parties such papers and documents as may be thought necessary. The decision of the said board or a majority of them, shall be rendered by the president of the board, and such decision, when made, shall be final. When an applicant for a certificate at a regular examination shall feel aggrieved at the decision of the county superintendent, and shall appeal to the State board, the questions used and the answers given shall be examined by the board, and if the decision of the county superintendent be reversed, the State board shall issue a certificate to the appellant, which certificate shall be good for one year, and be of the same force and effect as the certificate of the county superintendent, from whom such appeal was taken.

SEC. 15. Section eighty-nine (89) (being section 2535 of general laws) to be amended to read as follows: Section 89. On the petition of twenty legal voters of any school district, the secretary of said district shall give notice not less than twenty days before any regular or special meeting, held under the provisions of this act, that the question of contracting a bonded debt for the purpose of erecting and furnishing school buildings or purchasing ground, will be submitted to such qualified electors of the district as shall have paid a school tax therein in the year next preceding the said meeting. Any person offering to vote may be challenged by any legally qualified elector of the district, and any one of the judges of the election shall thereupon administer to the person challenged an oath, as follows: "You do swear (or affirm) that you are acitizen of the United States, or that you have declared your intention to become such; that you have resided in the State of Colorado six months immediately preceding

Bonds submitted
electors.

this election; that you are twenty-one years of age; that you have resided in this district thirty days next preceding this election; and that you have paid a school tax within this school district during the past year, and that you have not voted at this election, so help you God, (or under the pains and penalties of perjury)." If he shall refuse to take such oath or affirmation, his vote shall be rejected. The electors aforesaid shall first agree, by a majority vote, on the amount of indebtedness to be created, if any, (but in no case shall such indebtedness exceed three per cent. of the assessed value of the property in said district at the assessment next preceding the creation of such indebtedness, and in no case shall the aggregate amount of bonded indebtedness of any school district exceed three per cent. of the assessed value of the property of such district) shall then proceed to vote by ballot "for the bonds," or "against the bonds," and the ballot box for this purpose shall be kept open, as provided in section forty-four (44) of this act; and if it appear that a majority of all the votes cast are "for the bonds," the board of directors, as soon as practicable, shall issue coupon bonds of the district, bearing interest not exceeding twelve per cent. per annum, payable semi-annually, and redeemable at the pleasure of the district after five years, and payable fifteen years from date, the principal and interest payable at the office of the treasurer of the county in which the said district may be situated, or the interest may be made payable in the city of New York, at the option of the holders thereof, and the cancelled coupons shall be at the disposal of the district board.

Approved February 27, 1883.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO PROVIDE FOR THE INCORPORATION, MAINTENANCE, MANAGEMENT AND SUPPORT OF THE SCHOOL OF MINES."

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That section eleven (11) of said act, (being section 2,437 of general laws) be amended to read as follows, viz:

Section 11. The president of said board shall annually, on or before the tenth day of December, in each year, make a report to the Governor of this State, of the prosperity and condition of said School of Mines, containing such statistical and other information pertaining thereto as he may deem necessary and useful; and also a detailed statement of the receipts and expenses of such institution.

President of board to report to the governor.

SEC. 2. That section fourteen (14) of said act, (being section 2440 of general laws) be amended to read as follows:

Section 14. The State auditor shall from time to time draw his warrants upon said fund in favor of the treasurer of said board, upon the presentation to him, by such treasurer, of the order of the president of said board, countersigned by the secretary thereof, and in such sum or sums as may be necessary to defray the monthly expenditures of said institution specified in such order or orders, and the said warrants shall be paid by the State treasurer out of such fund.

Warrants how, and when to be drawn.

SEC. 3. That section (15) of said act, (being section 2441 of general laws) be amended to read as follows, viz:

Section 15. The said board of trustees shall require its treasurer to give such bond as it may deem sufficient to protect said institution against loss of any funds which may come to his hands as such treasurer, conditioned for the safe keeping and faithful disbursement thereof; and the treasurer of said board shall not pay out any of the

Bond of treasurer of the board.

funds which shall come into his hands as such treasurer, except upon the order of the president of said board, countersigned by the secretary thereof.

SEC. 4. That section seventeen (17) of said act, (being section 2443 of general laws) be amended to read as follows, viz:

Section 17. The president of the faculty of the school of mines, or professor in charge thereof, who shall be appointed by said board of trustees shall be known as president of the school of mines. It shall be lawful for said president to charge and collect such reasonable fees for any and all assays and analyses, made by him, or under his direction, as he may determine, subject to such limitations as to the amount of such fees, as the board of trustees may prescribe. Said president shall keep an account of all fees so collected, and pay over monthly to the treasurer of said board such portion of said fees as the board of trustees may prescribe; *Provided*, that such portion shall not exceed one-half of the amount of the fees received. The amount thus received by the treasurer shall become a part of the school of mines' fund, and the amount retained by the president or professor in charge, shall be in compensation for the extra services rendered by him, in making or causing to be made the assays or analyses aforesaid.

President to receive fees for assays, etc.

Portion of fees to be turned over to treasurer.

Approved March 8, 1883.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO PROVIDE FOR THE APPOINTMENT OF A STATE ENGINEER, AND TO DEFINE HIS DUTIES AND REGULATE HIS PAY, AND FOR THE APPOINTMENT OF HIS ASSISTANTS AND THE ESTABLISHMENT OF WATER DIVISIONS," APPROVED MARCH 5TH, 1881.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That section nine of an act entitled, "An Act to Provide for the Appointment of a State

Engineer, and to Define His Duties and Regulate His Pay, and for the Appointment of His Assistants, and the Establishment of Water Divisions," approved March 5th, 1881, be and the same is hereby amended to read as follows:

Section 9. Said State engineer will have power to employ assistants at an expense not to exceed one thousand five hundred (1,500) dollars in any one year, who shall be paid out of any monéys appropriated for that purpose, on certificate of said State engineer, showing the services rendered and the amount therefor, [thereof] and on presentation of such certificate to the State auditor by the person entitled thereto, he shall issue his warrant on the State treasurer for the amount thereof, to be paid out of any appropriation as aforesaid, and not otherwise.

Engineer authorized to employ assistants at expense not exceeding \$1500 per year.

Approved February 11, 1883.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE STATE TREASURER AND AUDITOR OF STATE TO APPOINT CLERKS OR DEPUTIES, AND TO PROVIDE FOR THE PAYMENT OF THE SALARIES THEREOF." APPROVED FEBRUARY 12, 1881.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section one of an act entitled "An Act to authorize the State treasurer and auditor of State to appoint clerks or deputies, and to provide for the payment of the salaries thereof," approved February 12, 1881, be amended so as to read as follows:

Section 1. That the state treasurer be and he is hereby authorized to appoint a clerk or deputy, whose salary shall be fifteen (1,500) hundred dollars per annum, said salary to be paid from the appropriation made for the payment of the salaries of the officers of the executive department.

Deputy state treasurer.

SEC. 2. That section two of said act be amended so as to read as follows:

Deputy auditor.

Section 2. That the auditor of State be and he is hereby authorized to appoint a clerk or deputy, whose salary shall be fifteen hundred (1,500) dollars per annum; said salary to be paid from the appropriation made for the payment of salaries of the officers of the executive department.

SEC. 3. It is the opinion of the general assembly that an emergency exists, therefore this act shall take effect from and after its passage.

Approved February 19, 1883.

AN ACT

TO AMEND SECTION I, OF ARTICLE IV, OF CHAPTER XXXIII OF THE GENERAL LAWS OF COLORADO, ENTITLED AN ACT TO PRESCRIBE CERTAIN POWERS AND DUTIES OF THE OFFICERS OF THE EXECUTIVE DEPARTMENT, AND CERTAIN RULES IN RELATION TO THE FISCAL AFFAIRS OF THE STATE IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section one (I), of article four (IV), of an act entitled "An Act to Prescribe Certain Powers and Duties of the Officers of the Executive Department, and Certain Rules in Relation to the Fiscal Affairs of the State in Connection Therewith, in Chapter Thirty-three (XXXIII)," is hereby amended so as to read as follows:

State treasurer,
oath and bond.

Article IV, Section I. That the State treasurer shall on or before the second Tuesday in January, after his election and before entering upon the duties of his office, take and subscribe the oath required by the constitution, and give a bond to the State of Colorado in the sum of three hundred thousand dollars, with not less than ten

sureties, to be approved by the Governor, attorney-general and secretary of State, which bond shall be filed in the office of the secretary of State. The Governor, with the concurrence of either the attorney-general or the secretary of State, whenever he deems the sureties on the bond of the State treasurer to be insufficient for the said sum of three hundred thousand dollars, may demand and the State treasurer shall give additional bonds and sureties to be approved by the Governor, attorney-general and secretary of State. The State treasurer now in office shall give such bond, and procure the approval thereof within thirty days after this act shall take effect.

SEC. 2. It is the sense of this General Assembly that an emergency exists; therefore this act shall be in full force from and after its passage. Emergency.

Approved February 27, 1883.

AN ACT

TO AMEND CHAPTER No. XCVI OF THE GENERAL LAWS CONCERNING THE BRANDING, HERDING AND CARE OF STOCK.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. Section four (4) of chapter ninety-six (96) of the general laws concerning the branding, herding and care of stock, is hereby repealed, and the following shall stand in lieu thereof: No mustang or other inferior stallion over the age of one year, nor any Texan, Mexican or Cherokee bull or other inferior bull over the age of one year, nor any Mexican or other inferior ram over the age of two months, shall be permitted to run at large in this State; nor shall any stallion over the age of one year be permitted to run at large in said State, except with a band of mares not less than ten in number. The owner or person in charge of such animal or animals as are prohibited from running at large by this section, who shall permit such animal or animals to run at large,

Running at large of certain animals prohibited; penalty for permitting same.

may be fined for each offense not less than ten dollars nor more than fifty dollars, and it shall be lawful for any stock-grower to castrate, or cause to be castrated, any such animal found running at large; *Provided*, that if any person shall castrate any stallion, bull or ram, and it shall, on proper evidence before any competent court, be proven to the satisfaction of said court that such animal was not of a class of stock prohibited from running at large by this act, said person shall be liable to damages to the amount of treble the value of said animal so castrated, and costs of suit; *Provided, also*, that for the purposes of this act any stallion possessing one-quarter of mustang blood, shall be deemed a mustang stallion; any bull possessing one-quarter Texan, Mexican or Cherokee blood, shall be deemed a Texan, Mexican or Cherokee bull, as the case may be; and any ram possessing one-quarter Mexican blood, shall be deemed a Mexican ram.

Approved February 19, 1883.

AN ACT

TO PROVIDE FOR THE COMPILATION AND COLLATION, PRINTING, AND DISTRIBUTION OF ALL ACTS AND PARTS OF ACTS RELATING TO STOCK.

Be it enacted by the General Assembly of the State of Colorado :

Secretary of state to
publish said acts.

To whom furnish-
ed.

SECTION 1. The secretary of State shall cause all acts and parts of acts relating to stock to be compiled and collated, and shall cause one thousand pamphlets to be printed, in each of which shall be contained said acts and parts of acts so compiled and collated. One copy of such pamphlets shall be furnished to each inspector, whether of sheep or cattle, one copy to each stock commissioner and one copy to each captain of a round up.

SEC. 2 Such compilation and collation shall be completed and filed with the secretary of State within thirty days from the time this act shall take effect.

SEC. 3. The expense of compilation and collating, Expenses, how paid. printing and distributing said acts and parts of acts, as aforesaid, shall be paid out of the State treasury, from any funds not otherwise appropriated; and the bill for such expense shall be allowed and audited as in other cases.

Approved February 11, 1883.

AN ACT

TO PROVIDE FOR THE CREATION AND ORGANIZATION OF SUPERIOR COURTS IN CITIES, AND INCORPORATED TOWNS; TO PRESCRIBE THE JURISDICTION, POWERS, PROCEEDINGS AND PRACTICE OF SUCH COURTS, AND TO DEFINE THE DUTIES AND QUALIFICATIONS OF THE JUDGES AND OTHER OFFICERS CONNECTED THEREWITH.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. That in all cities in this State containing twenty-five thousand or more inhabitants, whether Creating said court. organized under a special charter or a general act for the incorporation of cities, there is hereby created and established courts of record, to be called superior courts, and which said courts, when organized, as hereinafter provided, shall have and exercise such jurisdiction and powers in civil actions, and be governed by such practice and proceedings as now are or may hereafter be provided by law or made applicable to district courts.

SEC. 2. Five terms of every superior court, hereby Terms of court. created, shall be held in each year, commencing on the

second Monday of January, the second Monday of March the second Monday of May, the second Monday of September, and the second Monday of November, respectively.

Defining the jurisdiction and practice.

SEC. 3. Such superior courts shall have original and concurrent jurisdiction within the limits of the several cities or incorporated towns for which they are created, with the district courts of the State in all civil causes both at law and in equity, and such appellate jurisdiction in such causes as is provided by law for the district courts; and shall be governed in all proceedings, with reference to practice and pleadings, by the laws now, or hereafter to be enacted for the district courts. All process issued out of the superior court, shall be issued and served in like manner, as similar process is issued and served from the district courts of the State.

SEC. 4. The said superior courts shall have the power, when not otherwise provided by law, to prescribe by rule the times of pleading, and shall have the same power as the district courts have to regulate their practice, process and proceedings in other respects.

Judge; qualifications and powers.

SEC. 5. Every such superior court shall be held by one judge, who shall possess the qualifications provided by law for the district judges, and who shall have the same powers and authority within the limits of such cities and towns as district judges have within their respective districts. The Governor shall appoint the judges of said courts, who shall preside over said courts and hold office until their successors are elected and qualified as is hereinafter provided.

Governor; to appoint

Election of judge.

SEC. 6. At the next general election succeeding such appointment, there shall be elected in the manner provided by law for the election of county officers, by the qualified electors of the cities or incorporated towns for which such courts are created, judges to preside over said courts, whose terms of office shall be for the period of six years, commencing at the time of their qualification and continuing until their successors are elected and qualified. The compensation of a judge of a superior court shall be the same as is provided by law for the district judges, to be paid out of the treasury of the city or town in equal quarter-yearly instalments.

SEC. 7. If any person appointed or elected judge of a superior court shall fail to qualify within thirty days after his appointment or election, the office shall be deemed vacant, and his successor shall be appointed in the manner provided by law. The person appointed to fill such vacancy shall hold the office until the next general election, and until the qualification of his successor. At the said general election a person shall be elected to fill the unexpired term. The judge of a superior court may be removed from office for the same causes as the district judge.

Failure of judge to qualify within thirty days.

Removal.

SEC. 8. The judge of a superior court shall, before entering upon the duties of his office, take the official oath provided for the district judges.

Oath.

SEC. 9. There shall be a clerk of each superior court, appointed by the judge thereof, who shall hold his office during the pleasure of the judge, and who shall receive as compensation for his services a salary of two thousand dollars per annum, to be paid quarter-yearly out of the treasury of the city or town; and said clerk shall collect and receive the same fees for all services rendered as now are or may hereafter be provided by law for clerks of the district courts in counties of the first class, and he shall pay the same into the city or town treasury on the first day of each and every month, and shall also, at the same times, make a statement under oath to the treasurer of such city or town of all fees of every kind paid to or received by him during the month next preceding, and such clerk shall receive no other compensation whatever for his services save the salary hereinbefore provided for.

Clerk.

Salary.

Fees.

To pay the fees collected to city treasurer; statement.

SEC. 10. Immediately after the election of a judge of a superior court the vote therefor shall be canvassed by the board of county canvassers of the county wherein such election is had, and in the same manner as provided by law for the canvassing of votes for county officers. And it shall be the duty of the county clerk in which the city or incorporated town for which said judge shall be elected, to transmit to the Governor a certificate of such election, and the Governor shall thereupon issue a commission to the person so certified to have been elected

Canvassing votes by county commissioners.

Certificate.

as judge of said court. Upon the appointment by the Governor, as provided in section five of this act, and the qualification of the judge so appointed, and the appointment and qualification of a clerk of a superior court, the said court shall be deemed duly organized for the transaction of business.

Clerk; oath, bond,
powers and li-
abilities.

SEC. 11. A clerk of a superior court shall be required to take the oath of office, and give bond as clerks of the district courts are now required to do, and he shall have the same powers, and be subject to the same liabilities as are or may be provided by law concerning the clerks of the district courts. The said clerk shall appoint a deputy to hold his office at the pleasure of the clerk, who shall have the same powers, and be subject to the same liabilities as are provided by law for the deputies of clerks of the district courts. He shall receive an annual salary of one thousand dollars payable out of the city or town treasury in like manner as the salary of the clerk of the superior court.

Deputy.

Salary.

City council to pro-
vide books, place
for holding court,
and seal.

SEC. 12. It shall be the duty of the board of aldermen, common council or other authorities having the control of the municipal government of the city or incorporated town in which a superior court is organized to provide suitable books for records, and a suitable place within the limits of said city or incorporated town for holding the terms of said court, and they shall also provide a seal for the court. The said superior court shall have and use its own seal, bearing upon the face thereof, the words "The Superior Court of——" inserting after the word "of" the name of the city or incorporated town.

Seal.

Changes of venue.

SEC. 13. Changes of venue to and from superior courts may be taken to and from a district court for the same causes as are provided for changes of venue in the district courts.

Sheriff to attend,
execute process,
etc.

SEC. 14. It shall be the duty of the sheriff of the proper county to attend in any superior court, organized in any city or incorporated town, and all process issuing out of said superior court shall be directed to the sheriff of the county, wherein the same is required to be executed, and any sheriff to whom such process shall be directed, is hereby authorized and required to execute the

same, and he shall be entitled to the same fees as are allowed by law for serving such process from the district courts. Fees.

SEC. 15. In any action pending before a superior court, in which a party thereto is entitled to a jury such party may have a jury summoned, to try the same, in the manner provided by law for the summoning of jurors, to try causes in the county courts. Jury; how provided.

SEC. 16. The judgments of superior courts may be made liens upon real estate in the manner provided by law for judgments in the district courts. Judgments may be made lien on real estate.

SEC. 17. Appeals from any final decision of a justice of the peace in the city, or incorporated town where a superior court is held, or from the decision of any police magistrate of said city or town in any case involving the violation of a city ordinance, may be allowed to the superior court of such city or incorporated town, and may be taken in the same manner as appeals from justices of the peace in other cases. Appeals from decisions of justices of the peace and police magistrates.

SEC. 18. In all cases of final judgment or decision of a superior court, appeals and writs of error may be allowed and prosecuted directly to the supreme court of the State in the manner and with the effect, in all respects as is or may be provided by law in cases of appeal and writs of error from the district courts to the supreme court. Appeals and writs of error to be allowed direct to the supreme court.

SEC. 19. The powers, practice and pleadings of the supreme court and the judges thereof, in cases of appeal or writ of error, and in all other matters touching the judgments and decisions, process and proceedings of the superior courts shall be the same in all respects as is or may be provided by law in like cases in respect to the district courts. Powers, practice and pleadings same as in the district court.

SEC. 20. As the administration of justice demands the relief which this act is designed to effect, there is, therefore, in the opinion of the General Assembly an emergency, and this act shall take effect from and after its passage. Emergency.

Approved, February 10, A. D. 1883.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A SALARY FOR THE REPORTER OF THE DECISIONS OF THE SUPREME COURT," APPROVED FEBRUARY, 1879.

Be it enacted by the General Assembly of the State of Colorado:

Salary.

SECTION 1. That on and after the first day of July, A. D. 1883, the reporter of the decisions of the Supreme court of this State, shall receive an annual salary of two thousand dollars, payable quarter-annually out of the same fund and in the same manner that the salaries of State officers are paid.

Shall prepare opinions for printer.

SEC. 2. It is hereby made the duty of the reporter within four months after a sufficient number of opinions, to constitute a volume, shall be ready for delivery to him, to have the same ready to deliver to such printer as may be designated by the secretary of State.

Approved February 10, 1883.

AN ACT

CONCERNING TOLL ROADS.

Be it enacted by the General Assembly of the State of Colorado:

Maximum grade.

Minimum width.

Turn-outs.

SECTION 1. That all toll roads which shall hereafter be constructed within the boundaries of the State of Colorado shall have a maximum grade of not to exceed fifteen feet in the hundred feet. A minimum width of roadway of not less than ten feet and shall be provided at points visible one from the other, and distant not more than one-fourth of a mile apart, with turn-outs

or passing points, not less than sixteen feet in width and fifty feet in length, sufficient for the passing of teams and vehicles.

County surveyor to examine and report to county commissioners.

SEC. 2. Upon the completion of such toll road, or any part thereof, the county surveyor of the county in which such toll road is located, shall make an examination thereof at the expense of the owners of such toll road, and report to the board of the county commissioners of such county if the requirements of section one of this act have been fully complied with. No rates of toll shall be granted by the county commissioners of any county, or the county judge thereof, or persons acting under authority derived from said judge, until the requirements as herein before specified have been fully complied with and certified to by the county surveyor of such county.

No rates to be granted until this act is complied with.

SEC. 3. The owners of any toll road shall have a lien on any animals or vehicles, passing over their respective roads, for the lawful tolls due thereon: *Provided*, that this shall not apply to estrays nor to stolen animals or vehicles, nor to any animals or vehicles, the property of, or in the employ of the State of Colorado or the United States.

Liens.

SEC. 4. The owner or owners of any toll road, or any person appointed by them to collect toll, upon any toll road in the State of Colorado, shall have the authority, and be empowered to act as constables; *Provided*, that he shall be appointed with the consent of the board of the county commissioners, and be subject to removal at their pleasure; *and provided*, that he shall give good and sufficient bond for the proper discharge of his duties, in the sum of one thousand dollars.

Owners or collectors to act as constables.

Conditions.

SEC. 5. The unlawful collection of tolls, or the taking or collection of unlawful tolls shall be punishable by a fine not less than ten dollars, nor more than one hundred dollars. A suit may be brought before any justice of the peace within the county in which such unlawful toll may have been collected, by any person or persons who may have been compelled to pay such unlawful toll, for the recovery of such unlawful tolls, and

Unlawful collection of tolls.

for the recovery of such fines as may be imposed by the magistrate or justice of the peace, which fine shall be paid to the complainant in such action.

Approved February 11, 1883.

AN ACT

TO PROVIDE A SPECIAL FUND TO BE EXPENDED ON THE UNIVERSITY OF COLORADO AS FOLLOWS: TO IMPROVE THE PRESENT UNIVERSITY BUILDING AND SUPPLY ADDITIONAL FURNITURE THEREFOR; TO CONSTRUCT AN ADDITIONAL BUILDING; TO ESTABLISH A PHYSICAL LABORATORY; TO PURCHASE BOOKS FOR THE LIBRARY, AND TO IMPROVE THE UNIVERSITY GROUNDS.

Be it enacted by the General Assembly of the State of Colorado:

"Special university
tax" of one-fifth
of a mill.

SECTION 1. For each of the years 1883 and 1884 there shall be assessed and levied upon all taxable property in the State of Colorado, to be expended on the University of Colorado for the purposes hereinafter specified, one-fifth of one mill on each and every dollar of the assessed value of said taxable property, to be known as the "Special University Tax," which shall be collected in the same manner and at the same time as is now or may be prescribed by law for the assessment and collection of State taxes.

Purposes for which
proceeds to be
used.

SEC. 2. Said fund shall be used exclusively for the following special purposes: To improve the present University building by steam heating fixtures and gas fixtures, and by improving therewith the rooms thereof; to supply additional furniture for said building; to establish a physical laboratory; to purchase books for the library; to construct another building; and to improve the University grounds upon which the said present building is situated.

SEC. 3. The several county treasurers of the State shall keep a separate account of all taxes collected in pursuance of this act and shall transmit the same to the State treasurer as a separate fund, and the auditor of State shall, upon the order of the president of the board of regents, countersigned by its secretary, draw his warrant upon said fund in favor of the treasurer of the University. The tax so collected and paid into the treasury of the University shall be expended for the special purposes hereinbefore specified.

County treasurer to
keep separate ac-
counts.

Approved February 10, 1883.

AN ACT

RELATING TO THE COMPETENCY OF WITNESSES IN CIVIL ACTION AND CRIMINAL PROSECUTION, AND OTHER JUDICIAL PROCEEDINGS, AND TO REPEAL CERTAIN SECTIONS OF CHAPTER ONE HUNDRED AND FOUR OF THE GENERAL LAWS OF THE STATE OF COLORADO.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. All persons without exception, other than those specified in the next three sections, and in the second, third, fourth, seventh and eighth sections of chapter one hundred and four of the general laws, may be witnesses. Neither parties nor other persons who have an interest in the event of an action or proceeding shall be excluded; nor those who have been convicted of crime; nor persons on account of their opinions on matters of religious belief; although in every case the credibility of the witness may be drawn in question, as now provided by law, but the conviction of any person for any crime, may be shown for the purpose of affecting the credibility of such witness; and the fact of such conviction may be proved like any other fact not of record; either by the witness himself (who shall be compelled to

Who may testify.

testify thereto), or by any other person cognizant of such conviction, as impeaching testimony or by any other competent testimony.

SEC. 2. The following persons shall not be witnesses:

Who shall not testify. 1. Those who are of unsound mind at the time of their production for examination.

2. Children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined or of relating them truly.

Shall not testify without consent. SEC. 3. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore a person shall not be examined as a witness, in the following cases:

Husband and wife. 1. A husband shall not be examined for or against his wife without her consent, nor a wife for or against her husband without his consent; nor shall either during the marriage or afterward be, without the consent of the other examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

Attorney against his client. 2. An attorney shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

Clergyman or priest. 3. A clergyman or priest shall not, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

Physician or surgeon. 4. A physician or surgeon duly authorized to practice his profession under the laws of this State, shall not, without the consent of his patient, be examined as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient.

5. A public officer shall not be examined as to communications made to him in official confidence, when the public interests, in the judgment of the court, would suffer by the disclosure. Public officer when public might suffer.

SEC. 4. If a person offer himself as a witness, that is to be deemed a consent to the examination; also the offer of a wife, husband, attorney, clergyman, physician or surgeon as a witness, shall be deemed a consent to the examination, within the meaning of the first four subdivisions of the last section. Offer to be taken as consent.

SEC. 5. Sections one, five and six, of chapter one hundred and four of the general laws of the State of Colorado, and all acts and parts of acts in conflict herewith, are hereby repealed. Repeal.

Approved February 11, 1883.

AN ACT

TO PROVIDE FOR THE RELIEF OF J. R. TREADWAY OR HIS ASSIGNEE.

Be it enacted by the General Assembly of the State of Colorado.

SECTION 1. That whereas it appears that the last general assembly failed to make provision for the payment of voucher No. 117, for the sum of (\$36.00) thirty-six dollars, dated February 10, 1881, to J. R. Treadway for services rendered as extra enrolling clerk in the senate.

Be it enacted, that the State treasurer is hereby authorized to pay the above unsettled debt out of any monies in the treasury not otherwise appropriated.

Whereas, it is the sense of the general assembly that an emergency exists, this act shall be in force from and after its passage.

Approved, February 10, A. D., 1883.

AN ACT

TO PROVIDE FOR THE RELIEF OF LINA WISE-
BART, OR HER ASSIGNEE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That, whereas, "It appears that the last general assembly failed to make provision for the payment of voucher No. 114 for the sum of twenty-four (24.00) dollars, dated February 10, 1881, to Lina Wisebart for services rendered as assistant enrolling clerk in the senate.

Be it enacted, that the State treasurer is hereby authorized to pay the above unsettled debt out of any moneys in the treasury, not otherwise appropriated.

WHEREAS, it is the sense of the general assembly that an emergency exists, this act shall be in force from and after its passage.

Approved February 10, 1883.

WM. H. MYER,

President of the Senate.

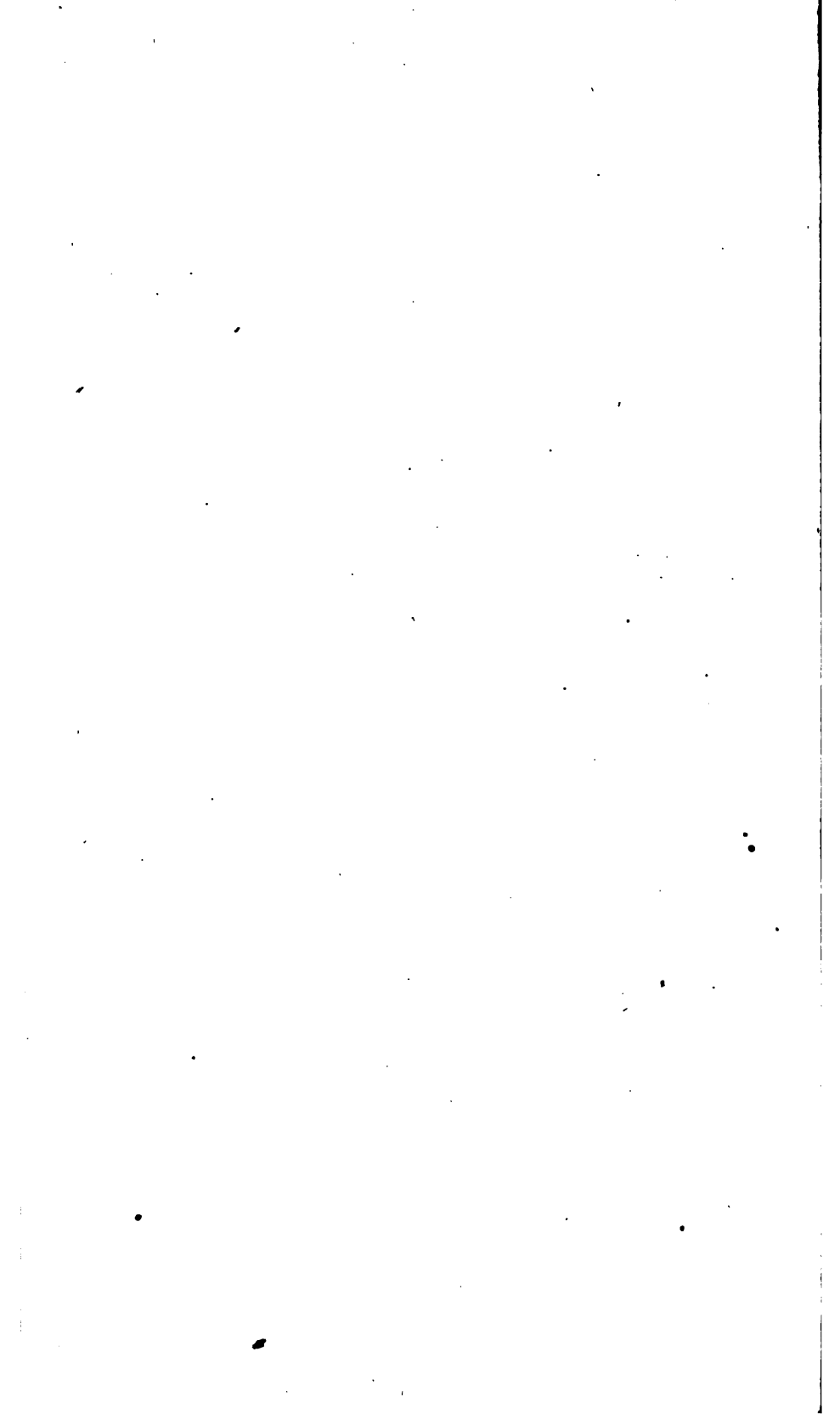
ELISHA W. DAVIS,

Speaker of the House of Representatives.

JAMES B. GRANT,

Governor.





INDEX.

A

SEC.

PAGE

ACCOUNTS—

9	of sale under liens filed with justices	239
8	of teachers; superintendent to examine	265

ACTIONS—

4	upon appeal bonds before police judge	89
21	to enforce mechanics' lien commenced within six months	232
22	may be consolidated to enforce liens; pleadings	232

ACTS AMENDED—

section 78, chapter C, entitled, "Towns and Cities."	51
chapter C, entitled, "Towns and Cities."	52
to reduce law incorporating city of Denver, approved April 6, 1877	101
to amend same, approved February 19, 1879	101
sections 63, 99 and 159 of code of civil procedure	112
in regard to corporations for charitable purposes	114
chapter XIX, entitled, "Corporations."	116
establishing county of Dolores	122
sections 18, 20 and 25, chapter XXIV, criminal code	149
chapter XXV, entitled, "Criminal Code."	152
section 5, of act to establish judicial districts, etc.	164
section 7, of act to establish judicial districts, etc.	166
section 4, of act to establish judicial districts, etc.	167
sections 22, 24, 31, 49, 51 and 72, chapter XXX, entitled, "Elections."	182
salaries of members of executive and judicial departments	191
section 2, chapter 34, entitled, "Fees and Salaries."	192
section 1, regulating fees, approved February 11, 1881	193
to prevent fires on prairies, approved February 11, 1881	197
sections 3 and 6, chapter XLI, entitled, "Protection Wild Game"	198

SEC.

PAGE.

ACTS AMENDED—CONTINUED.

section 1, chapter XLII, entitled, "General Assembly."	200
section 1, growing crops, approved February 12, 1881	209
sections for enrollment national guards, approved February 11 and 12, 1881	241
section 2, chapter LXIII, entitled, "Marriages."	243
section 5, chapter LXXV, entitled, "Official Bonds."	245
section 1, chapter LXXX, entitled, "Prize Fights."	246
section 44, regarding revenue, approved March 2, 1877	247
section 68, chapter LXXXVII, entitled, "Revenue."	248
section 1, authorizing payment of interest on warrants, approved January 16, 1879	249
to establish a system of free schools, approved March 20, 1877	263
to provide for incorporation, etc., of School of Mines	275
to provide for appointment of State engineer	277
authorizing State treasurer and auditor to appoint clerks or deputies	277
section 1, article 4, chapter XXXIII, entitled, "Executive Department."	278
section 4, chapter XCVI, entitled, "Stock."	279
providing salary for supreme court reporter, approved February 1879	286

ACTS REPEALED—

amendment to chapter XIX, approved February 8, 1879	116
section 10, of act establishing county of Dolores	122
sections 3 and 4, chapter XXIV, entitled, "Criminal Code."	149
creating criminal court of Arapahoe county	154
creating criminal court of Lake county	154
secure liens to mechanics and others, approved 1881	225
sections of act for enrollment of national guards	241
providing a fund for the World's Fair commission	250
concerning roads and highways, approved March 22, 1877, and to amend chapter LXXXVIII, entitled, "Eminent Domain."	262
sections 1, 5, and 6, chapter CIV, entitled, "Witnesses."	289

ACTS REVIVED—

section 99, of code of civil procedure	113
--	-----

ADJUTANT—

(SEE MILITIA.)

ADVERTISE—

2	board of managers for plans and specifications for capitol building	45
5	for bids for construction of one wing	46
6	when bids rejected to re-advertise	47
1	city treasurer for redemption of city warrants	52
1	payment of interest on state warrants	249
24	county commissioners for bids to construct bridges	253

SEC.

PAGE.

AGRICULTURAL COLLEGE—

1	tax of one fifth of one mill to be levied for support of	17
1	appropriation for mechanical department and conservatory	18
2	fund to be used exclusively for said purpose	18
3	board of agriculture to decide upon plans	18
4	warrants how and when drawn	18

AGRICULTURAL STATISTICS.

1	secretary of state to furnish suitable blanks to county clerk for assessors	18
2	assessors to procure list and verified statement of number of acres, etc	19
3	statement sworn to before assessor; form of oath	20
4	assessor to compile and return to county clerk	20
4	publication for distribution	20
5	penalty for refusing to give information	20

AGRICULTURE—

(SEE DRAINAGE.)

AMENDMENTS—

(SEE ACTS AMENDED.)

AMENDMENTS TO THE CONSTITUTION—

1	to submit to electors amendment to section 6, art. V	21
1	compensation of members of general assembly and length of session	21
1	to submit to electors amendment to section 19, art. V	21
1	no bill except general appropriation to be introduced after 30 days	21
2	to submit to electors amendment to section 22, art. V	22
2	each bill to be read twice, amendments to be printed, etc	22
3	electors may express approval or rejection of any one or more; form of ballot	22
4	how votes canvassed	22

APPEALS—

4	from police court of Denver to criminal court	88
4	party appealing to pay costs; bonds and actions upon	89
17	from justices and police courts; <i>proviso</i>	159
24	from assessment by jury to county court	175
25	mode of trial; amending assessment	176
26	or writs of error from county court	176
44	from final judgment in cases of construction of ditch	180
14	from decisions of county superintendent of schools	272
17	from justices' courts to superior courts	285
18	or writs of error from superior to supreme court	285

SEC.

PAGE.

APPORTIONMENT—

10	of indebtedness between Delta and Gunnison counties	126
10	of indebtedness between Eagle and Summit counties	129
9	of indebtedness between Garfield and Summit counties	131
9	of indebtedness between Mesa and Gunnison counties	134
9	of indebtedness between Montrose and Gunnison counties	138
9	of indebtedness between Uncompahgre and Ouray counties	141
26	of proceeds of sale under mechanics' lien	234

APPRAISERS—

4	justices of the peace to appoint in certain cases	238
5	oath and return of	238
12	fees of	239

APPRAISEMENT—

5	of personal property held by lien, how made	238
7	property held by lien not to be sold for less than two thirds of	239

APPROPRIATIONS—

1	for buildings for agricultural college	18
1	to pay the unpaid per diem of officers, members and employees of the constitutional convention	23
1	for arranging and cataloguing books of the state library	23
2	for adding books of permanent value to the state library	24
4	to aid the state historical and natural history society	24
1	for salary of inspector of coal mines	25
1	for board of examiners of coal mines	25
1	for maintenance and support of the penitentiary	25
2	for completing west-cell building; purchase of land, erection of gates, etc., for penitentiary	26
1	for executive, legislative and judicial department of the state	26
1	for supreme court library	28
1	for mute and blind institute	28
1	for school of mines building	29
1	to reimburse counties for moneys expended in support of insane paupers	30
1	for compilation and revision of statutes	30
1	for paying outstanding certificates of indebtedness	31
1	for expenses state board of land commissioners	32
2	to pay United States registers' and receivers' fees	32
1	for buildings, furnishing, etc., of insane asylum	32
1	for salary and expenses of fish commissioner	33
1	for purchase of block for capitol building grounds	38
1	for erection of one wing of capitol building	44
2	for reception of grand army	208
1	for general statutes	202
6	for state horticultural society	211
2	for completing muster rolls	240
1	by counties for exposition legalized	244

INDEX.

299

SEC.

PAGE.

APPROPRIATIONS—CONTINUED.

2	counties authorized to make in certain cases	244
1	for assistants of state engineer	277
1	for salary of deputy state treasurer	277
2	for salary of deputy state auditor	278

ARAPAHOE COUNTY—

(SEE COUNTIES.)

ASSAYS—

4	president school of mines may charge for	276
---	--	-----

ASSESSORS—

(SEE COUNTY ASSESSORS.)

ASSESSMENTS—

(SEE REVENUE, DRAINAGE, AND ROADS AND HIGHWAYS.)

ASSIGNMENTS—

28	parties claiming under mechanic's lien	236
----	--	-----

ATTACHMENT—

1	exemption	37
2	amending section 226 of code	37
2	intervention, verification and trial	113
22	of jurors by justices of the peace	175

ATTORNEY AND COUNSELOR—

6	judge criminal court not to act as	155
---	--	-----

ATTORNEY GENERAL—

4	to examine title to block 6, Cheesman & Kassler's sub-division.	39
4	if said title legal and valid to certify same to auditor	39
1	salary of	192
3	to approve bond of deputy superintendent of insurance	212
7	superintendent of insurance may call upon for counsel	218
1	to approve bond of treasurer	278

SEC.		PAGE.
AUDITOR OF STATE—		
4	when to draw warrants in favor of State board of agriculture .	18
2	when to draw warrants for members and employes of constitutional convention	23
3	to draw warrants upon vouchers of State librarian	24
3	to draw warrants upon certificate of chief justice	28
2	to draw warrants in favor of treasurer of Mute and Blind Institute	29
2	to draw warrants in favor of treasurer of School of Mines . . .	29
6	when to draw warrants in favor of treasurer of Industrial School .	36
4	when to draw warrant for land for State capital grounds	39
4	to be a member of the board of commissioners of State debt . . .	41
10	when to draw warrants in favor of contractor of capitol building	49
1	salary of	192
9	to draw warrants for certain claims when approved by secretary of State	204
3	to draw warrant to commissioners of Grand Army reception . .	208
	superintendent of insurance (see insurance department)	212-225
1	to draw warrant on certificate of State engineer	276
2	to draw warrants in favor of School of Mines	275
2	may appoint deputy or clerk; salary	278

B

BAIL—

25	in criminal court	161
----	-----------------------------	-----

BENT COUNTY—

(SEE COUNTIES.)

BOARD OF AGRICULTURE—

(SEE STATE BOARD OF AGRICULTURE.)

BOARD OF COMMISSIONERS OF G. A. R. RECEPTION—

(SEE GRAND ARMY.)

BOARD OF COMMISSIONERS OF STATE DEBT—

4	consists of governor, secretary, treasurer and auditor	41
8	to cancel bonds when redeemed; record	43
9	to prescribe form of bonds	43

BOARD OF EXAMINERS OF COAL MINE INSPECTOR—

1	appropriation for compensation of	24
14	how appointed, when to meet, oath of office, duties	109
14	compensation; new board; how appointed	110

SEC.

PAGE.

BOARD OF PENITENTIARY COMMISSIONERS—

(SEE PENITENTIARY.)

BOARD OF LAND COMMISSIONERS—

1	appropriation for expenses of	32
---	---	----

BOARD OF MANAGERS OF CAPITOL BUILDING—

1	who to constitute	44
2	directed to purchase block 6, Cheesman and Kassler's subdivision	38
3	authorized to sell real estate belonging to the state	39
3	to deliver proceeds of said sale to state treasurer	39
1	compensation of members and of clerk	44
2	vacancies; majority a quorum; to advertise for plans	45
3	with builder and architect to adopt plans	46
4	compensation for plans allowed by	46
5	to advertise for bids for construction	46
5	chairman custodian of plans; awarding contract; bond of contractor	47
5	may reject all bids and re-advertise	47
7	appoint superintendent; duties; bond; compensation	47
10	when wing completed, to certify to auditor	49
11	to inspect; may re-let contract; allow for work done	50
12	report to next general assembly	50

BONDS—

3	of superintendent of industrial school	36
5	of architect of capitol building	47
7	of superintendent of construction	48
9	of contractor capitol building	48
4	of county treasurer to city of Denver	96
35	of commissioners to construct drain or ditch	178
1	of commissioners grand army reception	208
3	of deputy superintendent of insurance	212
1	of clerk district court, judge to examine	245
5	of petitioners for appointment of road viewers	252
15	for construction of school buildings	273
3	of treasurer school of mines	275
1	of state treasurer	278
5	owner or collector of toll roads, acting as constable capitol building, (see capitol building—bonds.)	285
	Pueblo water, (see city of Pueblo.)	
	railroad aid, (see railroad aid bonds.)	

(SEE CITY OF DENVER.)

BOULDER COUNTY—

(SEE COUNTIES.)

SEC.

PAGE.

BUREAU OF HORTICULTURE—

(SEE HORTICULTURE.)

BY-LAWS—

4	of religious corporations; declare number necessary to a quorum	115
---	---	-----

C

CAPIAS—

24	to issue from criminal court	161
----	--	-----

CAPITOL BUILDING—

1	appropriation for wing; board of managers; clerk; vacancies .	44
2	advertisement for plans; cost not to exceed \$200,000; construction	45
3	board with builder and architect to adopt plans	46
4	compensation for plans; building completed not to cost over one million dollars	46
5	board to advertise for bids for construction; chairman custodian of plans	46
5	awarding contract; bond of contractor to accompany each bid .	47
6	board may reject all bids and re-advertise	47
7	superintendent of construction; qualifications and duties . . .	47
7	superintendent to execute a bond; compensation	48
8	how building to be constructed	48
9	contractor to execute bond; board may award to next lowest or re-advertise	48
9	in default of bond contractor to pay damages	48
10	wing completed by Dec. 1st, 1894; superintendent to file estimates; warrants when drawn	49
10	total cost not to exceed	49
11	board to inspect; may compel contractor to re-construct; upon failure board may re-let; may allow for work done	49
12	board to report to next general assembly	50
18	superintendent to report to the governor	50

CAPITOL BUILDING BONDS—

1	submitting to electors proposition to create	40
2	notices	40
3	form of ballot; how canvassed	40
4	board of commissioners of state debt created	41
4	bonds, number and denomination; interest, when paid; principal, when payable	41
5	how executed	42
6	special tax to pay interest; how ultimately redeemed	42

SEC.		PAGE.
------	--	-------

CAPITOL BUILDING BONDS—CONTINUED.

7	first year's interest, how paid	43
8	cancellation	43
9	board prescribe from and sell	43
10	this act not to be repealed or amended	43

CAPITOL BUILDING GROUNDS—

1	appropriation for purchase of block 6, Cheesman and Kassler's sub-division	38
2	board of managers to complete purchase	38
3	board to sell real property; disposition of proceeds	39
4	auditor to draw warrants upon certificate of the attorney- general	39

CERTIFICATES OF INDEBTEDNESS—

1	appropriation to pay outstanding	31
---	--	----

CHARTER OF DENVER—

(SEE CITY OF DENVER.)

CHAFFEE COUNTY—

(SEE COUNTIES.)

CHARITABLE CORPORATIONS—

(SEE CORPORATIONS.)

CITIES AND TOWNS—

1	officers; election; duties; compensation	51
1	treasurer to redeem warrants; notice to be published	52
1	creating superior courts in cities with 25,000 population	281
6	to pay salary of judge of the superior court	282
9	to pay salary of clerk of superior court; fees of clerk to be paid to the city	283
11	to pay salary deputy clerk of said court	284
12	provide place for holding superior court and books and seal	284

CITY AUDITOR—

(SEE CITY OF DENVER.)

CITY ATTORNEY—

1	of cities of second class, when elected; term	52
1	duties and compensation	52

(SEE CITY OF DENVER.)

SEC.		PAGE.
CITY CLERK—		
1	of cities of second class, when elected; term	51
1	duties and compensation	51
	(SEE CITY OF DENVER.)	
CITY COUNCIL—		
1	of cities of second class; elections; fix compensation	52
	(SEE CITY OF DENVER.)	
CITY MARSHAL—		
1	when elected; term; salary; fees	51
CITY TREASURER—		
1	to redeem warrants when; publication of notice	52
	(SEE CITY OF DENVER.)	
CITY OFFICERS—		
	(SEE CITIES AND TOWNS, AND CITY OF DENVER.)	
CITY OF DENVER—		
NAME AND BOUNDARIES.		
1	body corporate, by name and style of the City of Denver	54
2	corporate limits	55
2	board of aldermen to designate nine wards	55
3	additions; how made	55
4	city may hold and sell real and personal property	55
4	may purchase lands beyond the city limits for certain purposes.	56
THE CITY COUNCIL AND ITS POWERS.		
1	exempt from jury service	56
2	consists of two members from each ward, chosen for two years.	56
3	qualifications of members	56
4	removal from ward vacates office	56
4	cannot hold office or contract under city; penalty	56
4	auditor to enforce provisions for said penalty	57
4	compensation of aldermen fixed by council	57
5	to be judges of qualifications, etc., of members	57
5	determine contested seats	57
6	majority a quorum, but majority of all necessary to appropriate	57
7	may make rules, punish members, etc.	57
8	journal; to be published; when yeas and nays to be entered	57
9	vacancies to be filled by election	57

SEC.

PAGE.

CITY OF DENVER—CONTINUED.

CITY COUNCIL AND ITS POWERS—(CONTINUED.)

10	mayor and aldermen to subscribe an oath to support, etc.	57
11	the vote to be determined by lot	58
12	twelve meetings a year	58
13	when vacancy occurs to immediately order election	58
14	president of the council ; how chosen ; to act as mayor when	58
15	may provide for appointments of clerk, building inspector, etc.	58
15	to prescribe duties of other officers	58
15	to provide for removals from office	58
16	may require bonds of officers	59
17	to manage finances and property of city	59

ENUMERATION OF POWERS.

17	establish system of sewerage	59
	appropriate money	59
	prevent introduction of contagious diseases	59
	establish hospitals	59
	regulate to secure general health and abate nuisances	59
	improve streets, etc.	59
	erect bridges	59
	divide city into wards	59
	light streets and erect lamp posts	60
	erect market houses, establish market places, etc.	60
	provide needful buildings	60
	regulate public grounds	60
	license, tax and regulate saloons	60
	regulate hackmen, draymen, porters, runners, etc.	61
	exclusive power to regulate the sale of liquors	61
	regulate storage and transportation of explosives	61
	regulate parapet walls, prevent cattle, etc., from running at large	61
	prevent erection of barb wire fences	61
	regarding weights and measures	61
	measuring and inspecting lumber, etc.	61
	provide for inspection and weighing of hay, etc.	61
	provide for inspection of flour, tobacco, beef, etc.	62
	regulate inspection of butter, etc.	62
	regulate weight and quality of bread	62
	regulate size of bricks	62
	provide for census	62
	regulate elections and removals of city officers	62
	fix compensation of officers, jurors, witnesses, etc.	62
	prescribe fines, etc.; proceeds to be paid into treasury	62
	exclusive power to license, etc., billiard tables and bowling alleys	62
	prohibit gambling, bawdy houses, etc.	62
	regulate to prevent fires	62
	levy a poll tax	63
	remove obstructions from streets, etc.	63
	license dogs	63
	cemeteries	63
	ditches, reservoirs, etc.	64
	compel persons to clean sidewalks	64
	to prevent ringing of bells, other noises, etc.	64

SEC.

PAGE.

CITY OF DENVER—CONTINUED.

ENUMERATION OF POWERS—(CONTINUED.)

17	license, etc., runners	64
	regulate burials, registration, etc.	64
	regulate horse railway cars	64
	inspection and storage petroleum and other oils	65
	railroads, crossings, rate of speed, etc.	65
	erect workhouse and house of correction	65
	restrain riots, noises and disturbances, punish fighting, etc.	65
	prevent internment within city limits	65
	ornamental trees in streets and public grounds	65
	punish vagrants, prostitutes, etc.	65
	prevent fast driving, cruelty to animals, etc.	65
	appropriate for certain purposes	66
	license and prohibit butchers	66
	appoint building inspector	66
	punish forestalling, fraudulent devices, etc.	66
	regulate use of steam whistles	66
	provide city with water, hydrants, etc.	66
	provide for the peace, health, etc., of the city	66
18	power to pass ordinances to carry into effect the foregoing	67
18	majority of all necessary to pass	67
19	style of the ordinances	67
20	when to be published	67
21	how proven	67
22	determine boundaries of Cherry Creek and South Platte	67
23	provide punishment for certain offences	67
24	finer shall be paid into the treasury	68
25	publish complete statement of account annually	68
26	suits to be in name of City of Denver	68
27	appeals allowed ; when	68
28	actions to recover penalty, etc. ; how brought	68
29	prosecutions to be commenced by summons or warrant	69
30	executions ; may imprison	69
31	not to require license to sell state products except	69
32	fix grades of streets ; three-fourths vote necessary to change	69
33	borrow money and contract debts for certain purposes	69
33	indebtedness not to exceed	70
33	loans, how made	70
34	mayor to submit statement of probable expenses	70
34	annual appropriation	71
35	expenses not to exceed appropriation except, etc.	71
36	warrants, how drawn	71
36	not to exceed income	71
37	order construction, etc., of side-walks and crossings	71
38	expenses, how collected from owner	71

ELECTIONS.

1	of mayor, etc., on first Tuesday in April	72
1	concerning registration	72
1	two aldermen from same ward ; how terms determined	72
2	qualifications of electors	73
3	registration, state laws govern	73

SEC.

PAGE.

CITY OF DENVER—CONTINUED.

ELECTIONS—(CONTINUED.)

4	shall be by ballot	78
5	precincts, wards divided into	78
6	penalty for fraudulent registering or voting	78
6	police court has jurisdiction	78
7	regulating primaries	78

MUNICIPAL OFFICERS, THEIR DUTIES, QUALIFICATIONS, ETC.

1	mayor term and duties	74
2	qualifications	74
3	how election of determined in case of a tie vote	74
4	contests, council to determine	74
5	duties	74
6	may call upon citizens to aid	75
7	may compel officers to show books	75
8	to execute laws	75
9	powers as to health regulations; quarantine	75
10	enforce laws, remit fines, suspend officers and fill vacancies	75
11	call special sessions	75
12	objects of special sessions to be stated	75
13	malfeasance in office; penalty	76
14	office vacated by absence from city	76
15	administer oaths, etc., when	76
16	veto in certain cases	76
17	salary	77
18	clerk to keep report of meetings, etc.	77
18	to keep record, attest, etc.	77
18	administer oaths	77
18	records duly attested by to be received in evidence	77
18	other duties	77
19	engineer to superintend construction of public buildings, make plans, etc.	77
19	to give his personal attention exclusively to office	77
19	preserve papers, etc.	77
20	attorney appear in court in certain cases and other duties	77
21	treasurer keep money and pay out when	77
21	report each month to council	78
21	penalty for failure to report	78
22	auditor to prescribe mode of keeping accounts	78
22	to countersign and register warrants	78
22	to keep account of expenditures, etc.	78
22	compute revenue due city, make reports, etc.	78
22	supervise collection and disbursement of all revenues	78
22	keep and manage property of city	78
22	see that no appropriation is over drawn, etc.	78
22	certify amount to be raised by taxation	79
22	publish financial condition of city, when	79
22	keep tables of account, what to show	79
22	may appoint clerk; qualifications	79
22	require claims to be verified, countersign licenses, etc.	79
23	bonds, when paid to certify to the mayor	79
24	require bills itemized and verified	79

SEC.

PAGE.

CITY OF DENVER—CONTINUED.

MUNICIPAL OFFICERS, THEIR DUTIES, QUALIFICATIONS, ETC.—(CONTINUED.)

25	auditing committee, of whom to consist, duties, etc.	80
26	auditor, treasurer and others to make detailed statements when	80
26	published statement; what to contain	80
26	penalty for failure or refusal of officers to make statement . . .	80
26	city attorney to prosecute	80
26	not a bar to action on official bond	80
27	no officer to be interested in work for city	80
27	mayor to suspend and report	80
27	other penalties	81
27	no person to hold two offices	81
28	no officer to deal in city warrants; penalty	81
29	officers shall reside within city limits	81
30	oath of office	81
30	all officers except, etc., to give bonds	82
30	failure to file oath and bond vacates office	82
30	suit on bonds, by whom brought	82
31	no payment beyond appropriation for that purpose	82
31	no contract entered into until appropriation is made	82
31	violation of same a misdemeanor; penalty	83
31	no officer to buy indebtedness of city; penalty	83
32	persons collecting money for city to promptly pay it over; dupli-	
	cate receipts	83
33	majority of all the council to elect officers	83
34	bonds, how executed	83
35	salaries	83
36	duties of officers not herein provided for	83
37	district court to appoint examiners	84
38	offering bribe to officers; penalty	84
38	officers accepting bribe; penalty	84
38	person offending is a competent witness against others	84
38	salaries of auditor, attorney and engineer	85

POLICE DEPARTMENT.

1	consists of chief and police officers	85
2	mayor to be head of department	85
3	vacancies how filled	85
4	mayor to appoint chief, manner and term	86
5	powers and duties of chief and members	86
5	when to be dismissed from service	86
6	salaries of chief and members; no other compensation	87
7	mayor to nominate and council to confirm; removals	87
8	mayor to appoint for not exceeding two days	87

THE POLICE COURT.

1	establish, court of record, judge and clerk	87
1	qualifications and compensation of judge	87
1	one-half to be paid by the county	88
2	jurisdiction	88
3	powers, preliminary hearings	88
3	breaches of the peace	88
3	violations of ordinances and penal laws of the State	88

SEC.

PAGE.

CITY OF DENVER—CONTINUED.

THE POLICE COURT—(CONTINUED.)

3	jury; when may be called	88
3	judge to be conservator of the peace	88
4	appeals from to criminal court; trial <i>de novo</i>	88
4	allowed upon payment of costs and filing bond	89
4	when bond executed, judgment to be suspended	89
4	actions on bond, how instituted	89
5	b. illif, chief of police to detail	89
5	one-half of compensation to be borne by the county	89
5	contempt, powers of court as to	89
6	disposition by judge of fines	89
6	failure to remit for ten days; penalty	90
7	clerk, bond and salary	90
7	one-half of salary paid by county	90
8	expenses for books, etc., borne by city	90
9	judge <i>pro tem</i> ; how and when appointed	90
10	police force to execute writs	90
11	judge and clerk to each execute bond	91
17	appeals from to criminal court	158

FIRE DEPARTMENT

1	council to establish fire limits	91
2	council shall have power to prevent dangerous construction of chimneys, etc	91
	to prevent deposit of ashes, etc	91
	to regulate manufactures	91
	to prevent and regulate fire-works and fire-arms	91
	to compel owners to have scuttles, etc	91
	to keep certain persons away from any fire and compel others to aid	92
	regulate construction of doors of theatres, etc	92
	establish regulations for prevention and extinguishment appoint and pay firemen	92
	procure engines and apparatus	92
3	council to control department, have custody of engine houses, etc of whom department to consist, duties of chief	92
4	duties of members defined by ordinance	93
5	when members to assist police	93
6	council may require assistant chief to act as warden	93
7	investigation into causes of fire; how and by whom conducted	93
8	wardens, one or more elected by council	94
9	mayor, aldermen and police officers <i>ex-officio</i> wardens	94
10	salaries of chief and members	94

OF OPENING AND IMPROVING STREETS, ETC.

1	council to make compensation to owner	94
2	two-thirds of council necessary to open	94
3	mode of procedure in condemning lands	95

GENERAL TAXES.

1	council has power to levy not exceeding, etc	95
2	county assessor to designate property within city limits	95
3	county clerk to certify assessment to council	95

SEC.

PAGE.

CITY OF DENVER—CONTINUED.

GENERAL TAXES—(CONTINUED.)

3	council to make levies in mills, etc.	96
4	county treasurer to collect and pay over; bond of treasurer . . .	96
5	council to pay county officers for work imposed by this act . . .	96

CHERRY CREEK.

1	council may change channel and create new one	96
2	surveys of proposed channels to be made	97
3	right of way, how acquired	97
4	may construct new channel outside of city limits; expenditure therefor legal	97
5	condemnation proceedings, how had	97
6	new channel a public one; old one not public	98

CONCERNING SEWERS.

1	council has right to establish "public," "district" and "private" sewers	98
2	public, where constructed, branches; <i>proviso</i>	98
3	district, limits prescribed by ordinance	98
	connect with public sewers	99
	when to be constructed	99
	costs assessed and collected from owners	99
4	private, to be constructed as council direct	99
	engineer to submit estimates to council	99
	other mode of contracting illegal and void	99
	bond with two sureties to be given	99
	appropriations for the work	100
	council shall investigate when complaint is made . . .	100
	contractor to pay expenses when complaint is well founded	100
5	no public sewer except question submitted to electors	100

MISCELLANEOUS PROVISIONS.

1	this act is a public act	100
2	all former laws relating to Denver repealed	100
3	an emergency exists	100

CITY OF PUEBLO—

1	authorized to refund water bonds; rate of interest; when redeemed	101
---	---	-----

CLEAR CREEK COUNTY—

(SEE COUNTIES.)

CLERK OF COUNTY COURT—

28	to certify copies of assessment roll	176
39	commissioners to deposit assessment with	179

INDEX.

311

SEC.		PAGE.
CLERK OF CRIMINAL COURT—		
9	how appointed; duties, powers and compensation	156
CLERK OF DISTRICT COURT—		
16	to certify transcripts to criminal court; fees	157
1	bonds to be examined by judge	245
CLERK OF SUPERIOR COURT—		
9	appointment, salary; fees paid to city	238
11	oath, bond, powers and liabilities; deputy and his salary	284
COAL MINES.		
1	appropriation for inspector and board of examiners	25
1	owner to procure plan or map showing workings and file with the inspector	102
1	if owner refuse or neglect, inspector may procure	102
2	when not more than fifteen men to be employed in; outlets; shafts; shafts on grounds of another; escapement shafts	103
3	speaking tubes to be provided; safety gates, flanges and brakes; links	104
3	not more than five men to a ton capacity to be hoisted at one time	104
4	ventilation of not less than 100 feet per minute for each man; how obtained	104
4	mining boss to be employed to oversee ventilation and general safety	105
4	measure ventilation at least once a week and report to the inspector	105
5	engineer, qualifications of	106
5	no person to ride on loaded wagon used for hoisting purposes	106
5	who shall not be employed to work in	106
6	safety lamps to be in charge of agent; meaning of terms, "owner" and "agent"	106
7	boilers to be inspected every six months and condition certified	106
7	signals; traveling ways	106
8	explosion; owner to notify inspector; if any miner killed to notify coroner	107
9	who shall have access to the mines	107
10	miners and other persons not to injure shafts, obstruct air-ways, etc; penalty	108
11	owner disregarding this act may be enjoined; remedy cumulative	108
12	owner, lessee or operator liable for injuries, etc.	108
13	this act not to apply where less than twelve men are employed, except, etc.	109
14	duties of board of examiners; oath; certificates by; compensation; new board; salary of inspector	109-111
18	violations of this act a misdemeanor; penalty	112

SEC.

PAGE.

CODE OF CIVIL PROCEDURE—

1	defendant may demur to one or more causes of action; proviso,	113
1	unsuccessful party to pay fine for use; when fine not claimed .	113
2	interpleas; to be verified; trial of	113
3	jurors; how drawn; six constitute unless, etc.	114
31	action under lien law to conform to	239-291

COMPLAINTS—

23	to enforce liens, what to allege	233
----	--	-----

COMPENSATION—

1	of members and clerk board of managers of capitol building .	44
4	for plan adopted for capitol building	46
7	of superintendent of construction	48
1	of officers of cities of second class	51
	of officers of the city of Denver (see city of Denver)	53-101
5	of clerk of Gunnison county for transcripts	125
7	of clerk of Summit county for transcripts	129
8	of clerk of Summit county for transcripts	131
8	of clerk of Gunnison county for transcripts	134
8	of clerk of Gunnison county for transcripts	137
7	of persons appointed to make transcripts in Ouray county	141
3	of county court stenographer	146
6	of judge of criminal court	155
9	of clerk and stenographer of criminal court	156
13	of district attorney	157
14	of special district attorney	157
15	of sheriff	157
16	of clerk district court for transcripts to criminal court	157
42	of commissioners to construct ditch	180
1	of state officers	191
5	of deputy superintendent of insurance	213
12	of justices, appraisers, clerks and criers	239
35	of road overseers	261
1	of assistant school librarian	263
4	of president school of mines for assays	275
1	of assistants of state engineer	277
1	of deputy state treasurer	277
2	of deputy state auditor	278
6	of judge of superior court	282
9	of clerk of superior court	283
12	of deputy clerk	284

CONEJOS COUNTY—

(SEE COUNTIES.)

CONSOLIDATION—

(SEE RAILROADS.)

INDEX.

313

SEC.		PAGE.
CONSTABLES—		
1	not to refuse to execute process; penalty	192
4	owner or collector of toll roads to act as	267
CONSTITUTIONAL CONVENTION—		
1	appropriation to pay unpaid expenses of	26
2	auditor to draw warrant on presentation of certificate	28
CONTRACTORS—		
	to have lien for work and materials (see liens)	225-226
CONVEYANCES—		
1	authorizing county judge of Pueblo to make in certain cases . .	147
CONVICTS—		
1	not to labor off of penitentiary grounds	246
CORPORATIONS—		
1	charitable, may change objects and number of directors, . . .	114
2	stockholders determine; notice of meeting	115
3	two-thirds vote necessary; certificate of change; proxies	115
4	by-laws declare number necessary for a quorum . .	115
1	railroads, may carry on express business; agency at every station	116
2	may transfer said business; conditions of transfer.	117
3	or express companies not to charge more than double freight	117
1	what may consolidate	118
2	conditions, provisions, and restrictions under which they may consolidate	118
3	consolidated companies to be one company	119
4	property of each deemed transferred	120
5	offices, where established; notice	120
6	consolidation with foreign not to make foreign cor- poration	121
7	taxation, all property in state liable to	121
1	to construct fire guards	198
9	liens, upon include franchises, etc	228

COSTILLA COUNTY—

(SEE COUNTIES.)

SEC.

PAGE.

COUNTIES—

1	appropriation to reimburse	30
1.	may refund bonds	142
2	new bonds, commissioners to sell; how proceeds applied	143
3	total not to exceed principal of old bonds	143
4	question of issuing to be submitted to electors	143
5	description of and how executed	144
6	form of; payment of interest, etc.	144
7	treasurer to pay matured bonds in the order of their number	145
7	not authorized to increase debt	145
4	when ditch or drain in two; where petition filed	170
1	classification of as to fees	193
1	appropriations for exposition legalized; may appropriate	244
2	to keep public highway in repair	251
25	to be divided into road districts	255
ARAPAHOE COUNTY.		
1	to pay one-half of salary of police judge	87
7	to pay one-half of salary of clerk of police court	90
1	establishing criminal court (see criminal court)	153
2	terms of criminal court	153
1	county of the first-class	193
BENT COUNTY.		
1	part of third judicial district; terms of court	167
1	county of the second class	194
BOULDER COUNTY.		
1	county of the first class	193
CHAFFEE COUNTY.		
1	part of fourth judicial district; terms of court	164
4	cases pending	165
1	county of the second class	194
CLEAR CREEK COUNTY.		
1	county of the first class	193
CONEJOS COUNTY.		
2	part of sixth judicial district; terms of court	164
4	cases pending	165
1	part of sixth judicial district; terms of court	166
1	county of the second class	194
1	stock to be herded from July 1st to October 30th	209
COSTILLA COUNTY.		
2	part of sixth judicial district; terms of court	164
4	cases pending	165
1	part of sixth judicial district; terms of court	166
1	county of the third class	194
1	stock to be herded from May 1st to October 30th	209

SEC.

PAGE.

COUNTIES—CONTINUED.

CUSTER COUNTY.

2	part of the sixth judicial district; terms of court	164
4	cases pending	165
1	part of the sixth judicial district; terms of court	166
1	county of the second class	194

DELTA COUNTY.

1	establishment and boundaries	124
2	county seat at Delta	124
3	officers	124
4	county of third class	125
5	transfer of causes in courts	125
6	terms of county court	125
7	terms of district court	125
8	records remain property of Gunnison	125
9	transcript of records	125
10	apportionment of indebtedness	126
11	settlement of matters of apportionment	126
12	seventh judicial district; attached to Gunnison for senatorial and representative purposes	126
3	part of seventh judicial district; terms of court	165
4	cases pending	165

DOLORES COUNTY.

1	county of the third class	123
2	repeals section 10, of act to establish	123
3	attached to 21st senatorial district, and to Ouray for representa- tive purposes	123
3	part of seventh judicial district; terms of court	165
4	cases pending	165
1	county of the third class	194

DOUGLASS COUNTY.

1	part of fourth judicial district; terms of court	164
4	cases pending	165
1	county of the third class	194

EAGLE COUNTY.

1	establishment and boundaries	127
2	officers	128
3	county seat determined by election	128
4	Red Cliff to be county seat until election	129
5	terms of district and county court	128
6	fifth judicial and twelfth senatorial district; attached to Sum- mit for representative purposes	128
7	transfer of causes in courts	128
8	records remain property of Summit	129
9	transcript of records	129
10	apportionment of indebtedness	129
11	settlement of matters of apportionment	129
12	county of the third class	130

SEC.

PAGE.

COUNTIES—CONTINUED.

ELBERT COUNTY.

1	part of fourth judicial district; terms of court	164
4	cases pending	165
1	county of the third class	194

EL PASO COUNTY.

1	part of fourth judicial district; terms of court	164
4	cases pending	165
1	county of the second class	194

FREMONT COUNTY.

2	part of sixth judicial district; terms of court	164
4	cases pending	165
1	part of sixth judicial district; terms of court	166
1	county of the second class	194

GARFIELD COUNTY.

1	establishment and boundaries	130
2	officers	130
3	county seat selected at next general election	131
4	county seat until election at Carbonate	131
5	terms of county court	131
6	transfer of causes	131
7	records remain property of Summit county	131
8	transcript of records of property	131
9	apportionment of indebtedness	131
10	settlement of matters of apportionment	132
11	county of the third class	132
12	twelfth senatorial district; attached to Summit for representa tive	132
13	part of fifth judicial district; terms of court	132

GILPIN COUNTY.

1	county of the second class	194
---	--------------------------------------	-----

GRAND COUNTY.

1	county of the third class	194
---	-------------------------------------	-----

GUNNISON COUNTY.

3	part of seventh judicial district; terms of court	165
4	cases pending	165
11	apportionment of indebtedness	126
9	apportionment of indebtedness	134
9	apportionment of indebtedness	138
1	county of the third class	194

HINSDALE COUNTY.

3	part of seventh judicial district; terms of court	165
4	cases pending	165
1	county of the third class	194

HUERFANO COUNTY.

1	part of third judicial district; terms of court	167
1	county of the second class	194
1	stock to be herded in between May 1st and October 30th	209

SEC.

PAGE.

COUNTIES—CONTINUED.

JEFFERSON COUNTY.

1	county of the second class	194
---	--------------------------------------	-----

LAKE COUNTY.

1	establishing criminal court	153
2	terms of criminal court	153
1	part of fifth judicial district; terms of court	168
2	cases pending	169
1	county of the first class	193

LA PLATA COUNTY.

3	part of seventh judicial district; terms of court	165
4	cases pending	165
1	county of the second class	194

LARIMER COUNTY.

1	county of the second class	194
---	--------------------------------------	-----

LAS ANIMAS COUNTY.

1	part of third judicial district; terms of court	167
1	county of the second class	194
1	stock to be herded from May 1st to October 30th	209

MESA COUNTY.

1	establishment and boundaries	133
2	county seat at Grand Junction	133
3	officers	133
4	transfer of causes in courts	134
5	terms of county court	134
6	terms of district court	134
7	records remain property of Gunnison	134
8	transcript of records of property	134
9	apportionment of indebtedness	134
10	settlement of matters of apportionment	135
11	seventh judicial district; attached to Gunnison for senatorial and representative purposes	135
3	part of seventh judicial district; terms of court	165
4	cases pending	165

MONTROSE COUNTY.

1	establishment and boundaries	136
2	officers	136
3	county seat selected at next general election	137
4	county seat at Montrose until election	137
5	terms of county court	137
6	transfer of causes in courts	137
7	records remain property of Gunnison	137
8	transcript of records of property	137
9	apportionment of indebtedness	138
10	settlement of matters of apportionment	138
11	county of the third class	138
12	part of thirteenth senatorial district and attached to Gunnison for representative purposes	138

SEC.

PAGE.

COUNTIES—CONTINUED.

MONTROSE COUNTY—(CONTINUED.)

13	part of seventh judicial district; terms of court	138
8	part of seventh judicial district; terms of court	165
4	cases pending	165

OURAY COUNTY.

1	name changed to San Miguel	128
1	Uncompahgre changed to Ouray	128
7	commissioners to appoint persons to make transcript	140
8	apportionment of indebtedness	141
3	part of seventh judicial district; terms of court	165
4	cases pending	165
1	county of the second class	194

PARK COUNTY.

1	part of the fourth judicial district; terms of court	164
4	cases pending	165
1	county of the third class	194

PITKIN COUNTY.

1	part of fifth judicial district; terms of court	169
2	cases pending	169
1	county of the third class	194

PUEBLO COUNTY.

1	county judge authorized to make certain conveyances	148
2	powers and compensation of	148
3	not to affect certain property	148
1	establishing criminal court	153
2	terms of criminal court	153
1	part of third judicial district; terms of court	167
1	county of the first class	194

RIO GRANDE COUNTY.

2	part of sixth judicial district; terms of court	164
4	cases pending	165
1	part of sixth judicial district; terms of court	166
1	county of the third class	194

ROUTT COUNTY.

1	county of the third class	194
---	-------------------------------------	-----

SAGUACHE COUNTY.

2	part of sixth judicial district; terms of court	164
4	cases pending	165
1	part of the sixth judicial district; terms of court	166
1	county of the second class	194

SAN JUAN COUNTY.

3	part of the seventh judicial district; terms of court	165
4	cases pending	165
1	county of the second class	194

SEC.

PAGE.

COUNTIES—CONTINUED.

SAN MIGUEL COUNTY.

1	name of Ouray changed to	123
---	------------------------------------	-----

SUMMIT COUNTY.

10	apportionment of indebtedness	129
9	apportionment of indebtedness	131
1	part of fifth judicial district; terms of court	168
2	cases pending	169
1	county of the third class	194

UNCOMPAHGRE COUNTY.

1	name changed to Ouray	123
1	establishment and boundaries	139
2	officers	139
3	county seat	140
4	terms of county and district courts	140
5	twenty-first senatorial and seventeenth [seventh] judicial districts	140
6	transfer of causes in court	140
7	records and their transfer	140
8	apportionment of indebtedness	141
9	settlement of matters of apportionment	141

WELD COUNTY.

1	county of the second class	194
---	--------------------------------------	-----

COUNTY ASSESSORS—

2	to procure list of property, etc., for agricultural statistics . . .	19
3	statements of owners to be signed and sworn to; form of oath . .	20
4	to compile said statistics and return to county clerk	20
3	of Arapahoe to certify assessment to council	98

COUNTY BONDS—

(SEE RAILROAD AID BONDS.)

COUNTY CLERK AND RECORDER—

1	agricultural statistics, to deliver blanks for	18
4	forward to state board of agriculture	20
2	notices of election for capitol building bonds	40
5	fees for transcripts to Delta county	125
9	fees for transcripts to Eagle county	129
8	fees for transcripts to Garfield county	131
8	fees for transcripts to Mesa county	134
8	fees for transcripts to Montrose county	137
29	assessment for ditches certified to	176
2	to have ballot boxes in charge	183
2	delivery of ballot box to judges of election	183
5	ballot box, lists, certificates, etc., delivered to	186
1	to make tax list	247

SEC.

PAGE.

COUNTY CLERK AND RECORDER—CONTINUED.

8	to direct warrants to road viewers	253
22	to give notice to road overseer	257
10	transmit certificate of election of judges of superior courts to the governor	253
	liens to be filed with (see liens)	225-236

COUNTY COMMISSIONERS—

1	may organize new voting precincts	121
2	to establish justices' precincts	121
11	settle matters of apportionment between Gunnison and Delta	126
11	settle matters of apportionment between Eagle and Summit	129
10	settle matters of apportionment between Garfield and Summit	132
10	settle matters of apportionment between Mesa and Gunnison	135
10	settle matters of apportionment between Montrose and Gun- nison	138
9	settle matters of apportionment between Uncompahgre and Ouray	141
1	to re-fund railroad aid bonds	142
2	to sell new bonds at par; how proceeds applied	143
4	to submit question to electors	143
6	prescribe form of bond, provide for payment, etc.	144
2	fix compensation of county court stenographer	146
7	to appoint criminal judge in case of vacancy	155
10	to furnish seal for criminal court	156
11	to furnish said court with books, stationery and furniture	156
22	to certify names jurors to clerk criminal court	160
45	justices of the peace to direct to act as commissioners to con- struct ditches, etc.	180
46	liability and penalty for refusal to act	181
1	divide counties; precinct for every 500 voters; change place of holding election, etc.	182
2	to provide ballot boxes; how constructed	183
1	determine location of fire guards; and where burning to be done,	198
1	appropriations for exposition legalized	244
2	may appropriate for certain purposes	244
3	to appoint road viewers; report	251
4	may alter, widen or change roads upon petition	252
7	appoint commissioners to mark out and view roads; notices	253
13	to hear and determine objections to report of road viewers	255
14	to cause report, plat, etc., of new roads to be recorded	255
18	to apply for jury to assess damages and awards	256
25	to divide counties into road districts	258
26	to levy a road tax	259
34	road overseer to report to	261
10	cannass votes for superior court judge	283
2	not to grant rates to toll roads until law complied with	287

COUNTY COURT—

6	terms of in Delta county	125
5	terms of in Eagle county	128
5	terms of in Garfield county	131

SEC.

PAGE.

COUNTY COURT—CONTINUED.

5	terms of in Mesa county	134
5	terms of in Montrose county	137
4	terms of in Uncompahgre county	140
1	may appoint stenographers, when	146
3	compensation determined by county commissioners	146
17	dispose of appeals pending from justices' courts	159
1	petitions to for apportionment of commissioners for construction of drains	169
3	how petition to be disposed of by	170
4	when petition may be filed in either of two	170
5	hearing; who may contest; appointment of commissioners; costs	170
6	oath of commissioners to render account to	170
13	contests of confirmation of report when to be heard	172
14	to hear and may confirm, modify, make orders, etc	172
15	to fix time to hear and determine amended report	172
16	may empanel a jury to assess	173
23	return of commissioners	175
24	appeals to from said assessment	175
25	trials upon appeal	176
26	appeals or writs of error allowed	176
27	may order assessment benefits to be paid in instalments	176
28	clerk to certify copies; lien	176
31	orders heretofore made legalized	177
35	approve bond of commissioners	178
40	may remove commissioners, fill vacancies, etc	179
42	ditch commissioners to report to	180

COUNTY JUDGE—

1	when may appoint stenographer	146
1	of Pueblo, authorized to make certain conveyances	147
2	compensation and powers	148
3	not to affect property in litigation, or <i>bona fide</i> occupants	148
1	not to refuse to execute process	192

COUNTY SEATS—

2	of Delta county	124
3	of Eagle county	128
3	of Garfield county	131
2	of Mesa county	138
3	of Montrose county	137
3	of Uncompahgre county	140

COUNTY SUPERINTENDENT OF SCHOOLS—

(SEE SCHOOLS.)

SEC.

PAGE.

COUNTY TREASURER.

4	of Arapahoe to collect city taxes	96
4	bond to city of Denver	86
7	pay matured railroad bonds from sale of new bonds	145
1	notice of sale of land for taxes	249
33	overseer of roads to report delinquents to	260
5	to keep separate account of school moneys	266
8	to keep separate account of university tax	280

CRIMES AND MISDEMEANORS—

10	coal miners for injury to lamps, shafts, etc., to endanger	108
18	persons refusing to comply with act relating to coal mines	112
1	obstructing railroad or tramway	152
2	attempting to obstruct	152
3	throwing stones, etc., at train or engine	152
8	at primary elections, person voting illegally	189
12	influencing voters	190
13	swearing falsely	191
14	judge or clerk wilfully neglecting duties	191
1	officer refusing to execute process	192
4	fire escapes, violating sections 1, 2 and 3 of act in regard to	195
5	watchman leaving building or sleeping	196
7	constructing building of certain size without two pairs of stairs	197
1	killing game at certain times; exposing for sale; wantonly kill- ing at any time	199
10	false swearing before superintendent of insurance	215
10	false certificate of officer of insurance company	216
1	fighting, challenging or accepting	246
2	leaving state for purpose of fighting	247

CRIMINAL CODE—

1	particular kind of money need not be set out	148
1	murder defined	149
2	degrees of murder; penalties	150
3	manslaughter, voluntary and involuntary defined; penalties	150
4	repeal of sections 3 and 4, chapter XXIV	151
5	above provisions not to affect cases already accrued	151
1	instructions to be given before argument	151
1	obstructing railroad or tramway; penalty	152
2	attempting to obstruct railroad or tramway; penalty	152
3	throwing stones at train or engine; penalty	152
1	witnesses, who may testify	289
	who may not testify	290
	who may not testify without consent	290
	offer to testify taken as consent	291
	informations in criminal courts (see criminal courts)	159-161

CRIMINAL COURTS—

1	established in Arapahoe, Lake and Pueblo counties	158
2	terms of court	158
1	name	154
2	jurisdiction	154
3	courts of record	154

SEC.

PAGE.

CRIMINAL COURTS—CONTINUED.

4	same practice as in district courts	154
5	writs of error to supreme court	155
6	judge; qualifications; appointment; term; oath	155
6	no other compensation; not to act as attorney	155
7	vacancy how filled	155
8	conservators of the peace; administer oaths; grant writs of <i>habeas corpus</i>	156
9	clerks; appointment; duties; powers and compensation	156
10	seal provided by county commissioners	156
11	county to furnish books, stationery and furniture	156
12	where to be held	157
13	district attorney, duties and compensation	157
14	special district attorney, appointment of	157
15	sheriff; duties, liabilities and compensation	157
16	removal of causes from district court	157
17	appeals from justices and police courts	158
18	recognizances in criminal cases returnable to this court	159
19	upon forfeiture clerk to certify to district court	159
20	changes of venue	159
21	criminal cases removed from other counties, removed to	159
22	jurors, when and how drawn	160
23	no grand jury; informations	160
24	when information filed to be recorded, <i>captas</i> issue, bail, motions, pleadings, etc.	161
25	informations to correspond with indictments	161
25	witnesses not on information may be called	161
25	informations not to be filed against persons except	161
26	repeal	161

CRIMINAL COURT—JUDGE—

(SEE JUDGE CRIMINAL COURT.)

CUSTER COUNTY—

(SEE COUNTIES.)

D

DAMAGES—

9	contractor of state capitol to pay for failure to give bond	148
---	---	-----

(SEE DRAINAGE AND ROADS AND PUBLIC HIGHWAYS.)

DEMURRER—

1	unsuccessful party to to pay a fine	118
---	---	-----

SEC.

PAGE.

DENVER—

(SEE CITY OF DENVER.)

DEPUTY SUPERINTENDENT OF INSURANCE.

(SEE INSURANCE DEPARTMENT.)

DIRECTORS OF SCHOOLS.

(SEE SCHOOLS.)

DISSECTION—

1	bodies of certain persons to be surrendered for	162
2	not to be surrendered, when	163
3	to be used only for the benefit of science and in this state . . .	163
4	physician or surgeon may have bodies in their possession . . .	163

DISTRICT ATTORNEYS—

13	to be prosecuting attorney of criminal court; fees	157
14	special appointed by judge when vacancy occurs	157
13	to present informations.	160
1	salary of	192

DISTRICT COURT—

37	in Denver to appoint person to examine accounts of city officers	94
14	judges to appoint examiners of coal mine inspector	109
1	unsuccessful party to demurrer to pay	113
7	terms of in Delta county	126
6	terms of in Eagle county	128
13	terms of in Garfield county	132
6	terms of in Mesa county	134
18	terms of in Montrose county	138
4	terms of in Uncompahgre county	140
16	may order transfer of causes to criminal court	158
19	determine matters relating to forfeiture of recognizances in criminal court	159
20	changes of venue from criminal court to	159
1	terms of in Douglas, Elbert, El Paso, Park and Chaffee counties	164
2	terms of in Fremont, Custer, Costilla, Conejos, Rio Grande and Saguahe counties	164
3	terms of in Mesa, Delta, Montrose, Gunnison, Hinsdale, Ouray, San Juan, Dolores and La Plata counties	165
4	cases pending held to be pending at first term as fixed by this act	165
1	terms of in Fremont, Custer, Costilla, Conejos; Rio Grande and Saguahe counties	166
1	terms of in Pueblo, Bent, Las Animas and Huerfano counties	167
1	terms of in Lake, Pitkin and Summit counties	168
2	cases pending held to be pending at first term as fixed by this act	169
1	salary of judges	192
1	judges to examine bond of clerk	245
13	changes of venue to and from superior court	264

SEC.

PAGE.

DISTRICT JUDGES—

37	of second district to appoint persons, to examine accounts of city officers of Denver	84
16	may order transfer of causes to criminal court	158
1	salary	192
1	to examine bond of clerk; when to order new bond	245

DISTRICTS—

(SEE JUDICIAL DISTRICTS AND SENATORIAL DISTRICTS.)

DITCHES—

(SEE DRAINAGE.)

DRAINAGE—

1	to cross lands of others; what petition to be filed	169
2	notices of petition; what to state and where posted	169
3	county court; how petition disposed of	170
4	when drain to be in two counties; petition where filed	170
5	hearing; contestants; commissioners; different counties; costs	170
6	commissioners to subscribe an oath	170
7	elect a chairman	171
8	majority a quorum	171
9	duties	171
10	finding expenses exceed benefits, proceedings to be dismissed; costs,	171
11	benefits exceeding expenses, to have surveys etc., made and report	172
12	powers of	172
13	notices of day when application made for confirmation of report	172
13	contests	172
14	county court to hear, confirm, modify, make orders etc	172
15	when report to be referred back to commissioners for amendment; when to be heard	172
16	jury to assess benefits and damages	173
17	to examine the lands	173
18	to award and assess each tract separately	173
19	may deduct for work already done by owner	174
20	corrections of assessments; how made; objections	174
21	jury to hear objection and re-adjust assessments	174
22	at such hearing justice of the peace to preside	175
23	when no objection made jury to confirm	175
24	commissioners or any person objecting may appeal; conditions upon appeal assessment charged, assessment roll to be amended.	176
26	appeals or writs of error from judgment of county court	176
27	court may order payment by instalments; lien	176
28	notice of lien to be certified by clerk of the court and recorded.	176
29	how commissioners to collect assessments	176
30	interest to be added when paid in installments	177
31	orders heretofore made ratified and confirmed	177

SEC.		PAGE.
DRAINAGE—CONTINUED.		
32	not to, impair validity of acts done under old law	177
33	commissioners to return to assessors amount unpaid	177
34	at what time to make such returns	178
35	commissioners to give bond; additional bonds	178
36	to do all acts necessary in constructing, employ servants and sue and be sued	178
37	may borrow money; conditions and limitations	178
38	to pay value of work already done by owner	179
39	damages to be paid from assessments on other lands	179
39	when owner doubtful damages to be paid into court	179
40	removal of commissioners; vacancies	179
41	when new assessment to be made	179
42	compensation of commissioners	180
43	reports to the court	180
44	justices of the peace have jurisdiction in certain cases	180
45	justices to direct county commissioners to act as commissioners	180
46	county commissioners refusing to act liable for damages; other penalties	181
47	penalty for injuring drain or ditch	181
48	additional penalties	181

DELTA COUNTY—

(SEE COUNTIES.)

DOLORES COUNTY—

(SEE COUNTIES.)

DOUGLAS COUNTY—

(SEE COUNTIES.)

E

EAGLE COUNTY—

(SEE COUNTIES.)

ELBERT COUNTY—

(SEE COUNTIES.)

ELECTIONS—

1	amendments to constitution (sections 6, 19 and 22 of article V)	21
1	submitted to electors at next general election	21
3	ballots for and against, form of; elector may ap- prove or reject any one or all	22

SEC.

PAGE.

ELECTIONS—CONTINUED.

4	amendments to canvass of vote same as for representative . . .	22
1	for creating capitol building bonds at next general	40
1	bonds payable in 15 years; interest 6 per cent.; not to be sold below par	40
2	notice how published	40
3	form of ballot; canvass	41
1	in cities of the second class of city officers, when	51
1	in city of Denver, when; officers to be elected; registration . .	73
2	qualifications of electors	73
3	state laws to govern registration	73
4	to be by ballot	73
5	wards to be divided into voting precincts	73
6	penalty for fraudulent registering or voting	73
6	jurisdiction of police court	73
7	primaries; state laws to govern	73
4	at next general, to select county seat of Eagle county	128
3	at next general, to select county seat of Garfield county	131
3	at next general, to select county seat of Montrose county	137
3	at next general, to select county seat of Uncompahgre county . .	140
4	for or against refunding "railroad aid bonds"	143
4	notice; form of ballot, qualifications of electors and canvass of the vote	143
1	amends sections 22, 24, 31, 49, 51 and 72 of chapter XXX, and adds section 133, 134, 135 and 136 to said chapter	182
1	precincts, county commissioners to divide county into	182
1	one for every 500 voters; commissioners to change voting place upon petition	182
1	not to change within 30 days of election; notice	182
2	ballot box provided by county; form of; keys kept by judges, etc.	183
3	hours for opening and closing; absence of any judge; procla- mation	183
4	how votes to be counted; who may be present	184
5	judges' certificate, form of; lists, tally and certificate; how de- livered to county clerk; penalty for failure to deliver	184-185
5	informality not to invalidate vote; duties of judges after count- ing	186
6	ballots to remain in the box; when to be burned	186
7	how ballots to be printed	186
7	"imitation ballots" fraudulent and how counted	187
7	where too many names inserted fraudulent	187
7	repeals all laws conflicting with this act	187
	primary (see primary elections)	187-191
25	of road overseer	253
7	of school directors	267
15	for and against school bonds	273

EL PASO COUNTY—

(SEE COUNTIES.)

EMERGENCY CLAUSE—(ACTS PASSED WITH.)

5	to appropriate \$10,000 to agricultural college	18
6	to secure the collection and publication of agricultural statistics .	20

EMERGENCY CLAUSE—(ACTS PASSED WITH.)—CONTINUED.

8	appropriation to pay unpaid expenses of the constitutional convention	28
5	to provide a fund for state library, etc.	24
4	appropriation for the penitentiary	25
4	appropriations for executive, legislative and judicial departments	26
2	appropriation for paying outstanding certificates of indebtedness	31
3	appropriation for expenses state board of land commissioners	32
4	appropriation for buildings, etc., at state insane asylum	32
8	appropriation, etc., state industrial school	36
14	to provide for the erection of the capitol building	50
2	amendment of section 78 of chapter C of general laws	52
2	amendment to chapter C of general laws	53
3	incorporating the city of Denver	101
4	amendments to sections 58 and 159 of code, and reviving section 99 of same	114
5	amendment to law in regard to corporations for charitable purposes	115
4	amendment to act establishing Dolores county	123
13	establishing county of Delta	127
12	county of Eagle	130
14	county of Garfield	133
12	county of Mesa	136
14	county of Montrose	139
10	county of Uncompahgre	142
9	to enable counties to refund railroad aid bonds	145
4	authorizing employment of stenographic reporters in county courts	146
3	establishing criminal courts	153
27	providing for organization, etc., of criminal courts in certain counties	162
6	establishing judicial districts, etc.	166
8	establishing judicial districts, etc.	167
2	establishing judicial districts, etc.	168
2	fixing fees chargeable by county, precinct and other officers	193
9	requiring fire escapes	197
12	providing for general statutes	205
5	providing for reception of grand army	209
1	herding stock at certain times	209
9	creating insurance department	225
14	to secure liens to ranchmen, hotel keepers, etc.	240
3	legalizing appropriations by county commissioners	244
1	amending section 63 of chapter LXXXVII of general laws	249
1	amendment to act appropriating money for the world's fair commission	250
2	to provide for condemning sites for public school buildings	263
3	providing for salaries of deputy treasurer and auditor	278
2	amendment to section 1, article IV, chapter 33 of general laws	279
20	establishing a superior court	285

INDEX.

329

SEC.

PAGE.

ENGINEERS—

	civil and mining to have liens (see liens)	225-236
1	state engineer authorized to employ assistants	277
1	fees of assistants not to exceed \$1500	277

EVIDENCE—

1	general statutes under seal of secretary of state <i>prima facie</i> . .	202
6	certificate of superintendent of insurance under seal to be received as	213
1	who may testify	289
2	who shall not testify	290
3	who shall not testify without consent	290
4	offer to be taken as consent	291
5	repeals sections 1, 5 and 6 of chapter CIV, entitled "witnesses." .	291

EXECUTIVE DEPARTMENT—

1	appropriation for salary of officers of	26
1	salaries of officers	192

EXPOSITION, NATIONAL MINING—

1	appropriations for by counties legalized	244
2	counties may appropriate for	244

EXPRESS BUSINESS—

1	railroads may carry on; agency at every station	116
2	may transfer the right to other companies; conditions inserted in contract	117
3	rates not to exceed double freight	117

F

FEES—

1	of members and clerk of board of managers of the capitol building	44
5	of clerk of Gunnison county for transcripts	125
8	of clerk of Gunnison county for transcripts	134
8	of clerk of Gunnison county for transcripts	137
9	of clerk of Summit county for transcripts	139
8	of clerk of Summit county for transcripts	131
7	of persons appointed to make transcripts in Ouray county . . .	141
9	of clerk of criminal courts	156
13	of district attorney attending criminal courts	157
14	of special district attorney	157
15	of sheriff attending criminal court	157

SEC.

PAGE.

FEES—CONTINUED.

16	of clerk of district for certifying causes to criminal court . . .	188
12	of justices of the peace, appraisers, clerk and criers at sales under liens	239
32	road overseer for serving notice	260
4	of president of school of mines for assays	268

FELONIES—

2	murder in the first and second degrees	150
8	manslaughter, voluntary and involuntary; penalty	150
1	obstructing railroad or tramway	152
2	attempting to obstruct railroad or tramway	152
13	false swearing and subornation of perjury at primary elections;	191
1	prize fights; challenging, accepting, training, aiding, etc. . . .	247
2	leaving state, attempting to leave etc., for pur- pose of fighting	247

FINES AND PENALTIES—

5	refusing to give information in regard to agricultural statistics to assessor	20
10	coal miners for injury to lamps, shafts, etc.	108
18	any person refusing to comply with act regulating coal mines .	112
2	for murder in first and second degrees	150
8	for manslaughter, voluntary and involuntary	150
1	for obstructing railroad or tramway	152
2	attempting to obstruct	152
8	throwing stones, etc., at train or engine	152
46	county commissioners refusing to act as commissioners to con- struct	181
47	any person injuring, etc., ditch or drain	181
48	additional penalties for above	181
5	judge or clerk of election failing to deliver certificates	185
8	at primary elections persons voting illegally	189
12	persons influencing voters	190
18	swearing falsely	191
14	judge or clerk guilty of wilful neglect of duty	191
1	officer refusing to execute process	192
4	persons violating sections 1, 2 and 3 of act in regard to fire escapes	195
5	watchman leaving building or sleeping	196
7	constructing building of certain size without two pair of stairs.	197
1	killing game at certain times; exposing for sale; wantonly kill- ing	199
10	false swearing before superintendent of insurance	215
10	false certificate of officer of insurance company	216
2	doing insurance business without license	219
1	prize fights; fighting, accepting, aiding, training, etc.	246
2	leaving state, etc., for purpose of fighting	247
1	county clerk failing to make tax lists	247
36	obstructing roads, failure to construct bridges, etc; how re- covered	262
5	unlawful collection of tolls	287

SEC.

PAGE.

FIRE ESCAPES—

1	proprietors of hotels and lodging houses to furnish	194
2	hotels over three stories in height to furnish iron balconies, etc.	195
3	post notices	195
4	not to violate above provisions; penalty	195
5	watchman in hotels, etc., of over 50 rooms	195
5	duties of watchman, alarm bell, notice	195
5	penalty for refusing to comply with section 5	195
6	two pairs of stairs, when hotel of certain size	196
7	architect or others not complying with last section; penalty . .	197
8	this act to be given to grand jury to investigate	197

FIRE GUARDS—

1	railroads to construct; manner	196
1	burning vegetation, where	196

FISH COMMISSIONER—

1	appropriation for salary and expenses to June 30, 1884	23
2	appropriation for same to June 30, 1885	24

FREMONT COUNTY—

(SEE COUNTIES.)

G

GAME—

1	no person to kill certain kinds between Jan. 1 and Sept. 15; expose for sale; wantonly kill	199
1	trial for violation of this act may be had by jury; how fines col- lected	199
2	special constables to be appointed	200

GARNISHMENT—

31	proceedings to recover road tax same as	260
32	costs in cases to recover road tax, how paid	260

GENERAL ASSEMBLY—

12	board of managers to report to	50
1	who to call houses to order	201

GILPIN COUNTY—

(SEE COUNTIES.)

SEC.

PAGE.

GENERAL STATUTES—

1	form 'in which to be published	201
1	secretary of state to employ assistants; appropriation	202
1	when completed; certificate; number of copies	202
2	declaration of independence, etc., included	202
3	index	203
4	disposition of copies	203
5	receipts; officer receiving copy to deliver to his successor	203
6	two hundred to be retained for new counties	203
7	remainder sold; price; proceeds	204
8	secretary of state deliver remaining copies to his successor	204
9	secretary to approve claims; warrants	204
10	type, paper and binding	204
11	copy to be compared with enrolled bills	205

GOVERNMENT BUILDINGS (U. S.)—

1	ceding jurisdiction over lots for to United States; <i>proviso</i>	205
2	governor to execute deed to the United States	206
3	said lots exempt from taxation	207

GOVERNOR—

4	to be a member of the board of commissioners of the state debt	41
1	to be a member of the board of managers of the capitol building	44
14	to appoint member of board of examiners of inspector of coal mines	109
14	from whom to appoint inspector	110
9	appoint Denver police judge <i>pro tem</i> , when	90
11	appoint persons to adjust indebtedness between Delta and Gunnison	125
11	appoint persons to adjust indebtedness between Eagle and Summit	129
10	appoint persons to adjust between Garfield and Summit	132
10	appoint persons to adjust between Mesa and Gunnison	135
10	appoint persons to adjust between Montrose and Gunnison	138
9	appoint persons to adjust between Uncompahgre and Ouray	141
6	appoint judge of criminal court	155
1	salary of	191
2	to execute deed of jurisdiction to the United States; when	206
2	commissioners, grand army reception under supervision of	208
3	to report to	208
3	to approve bond of deputy superintendent of insurance	212
9	superintendent of insurance to report to	214
1	commander-in-chief of militia	241
5	member of military board; duties	242
1	president school of mines board to report to	275
1	to approve bond of treasurer	278
5	appoint judge of the superior court	282
10	issue commission to judge of superior court when elected	283

GRADES—

1	of toll roads not to exceed 15 ft to the 100 ft	286
---	---	-----

INDEX.

333

SEC.		PAGE.
GRAND ARMY—		
1	names of commissioners to receive; bonds	208
2	appropriation	208
3	auditor to draw warrant, when	208
4	report of commissioners to governor	208

GRAND COUNTY—

(SEE COUNTIES.)

GRAND JURY—

23	not to be empaneled in criminal court	160
8	to investigate violations of act in regard to fire escapes	197

GROWING CROPS—

1	counties where stock to be herded from May 1 to Oct. 30	209
15	roads not to be opened through fields of	265

GUNNISON COUNTY—

(SEE COUNTIES.)

H

HABEAS CORPUS—

8	criminal court or judge may grant	156
---	---	-----

HIGHWAYS—

(SEE ROADS AND HIGHWAYS.)

HINSDALE COUNTY—

(SEE COUNTIES.)

HISTORICAL AND NATURAL HISTORY SOCIETY—

4	appropriation to aid	24
4	salary of secretary	24

HORTICULTURE—

1	state society of constituted a bureau; acceptance	210
2	duties of the bureau	210
3	annual meetings on second Tuesday in January	210
4	report to secretary of state; statistics and essays to be published	210
5	number of copies, how bound and how distributed	210
6	appropriation of \$1,000 annually	211
7	acceptance of provisions of this act	211

SEC.

PAGE.

HOTELS AND LODGING HOUSES—

1	proprietors to furnish with fire escapes	194
2	over three stories how constructed	195
3	proprietor to post notices	195
5	watchman when over 50 rooms; alarm bell	195
6	to be constructed to have two pair of stairs	195
1	liens of proprietors upon baggage	237

HUSBAND AND WIFE—

3	not to testify for or against except by consent	290
---	---	-----

I

INDUSTRIAL SCHOOL—

1	appropriations	34
2	board of control to procure plans for new buildings	35
2	advertise for proposals for materials and work	35
2	said board to make contracts for said buildings	35
2	cost not to exceed \$15,000	35
3	superintendent to keep account of moneys received and turned over to treasurer	35
3	moneys so received, how used	35
3	superintendent to give bonds	35
3	money hereby appropriated for machinery, etc., not to be used for other purposes	35
4	compensation of members of board of control	35
5	no one under ten to be sentenced and no one for more than three years	35
6	auditor to draw warrants	35
7	repeal of sections 15, 16 and 17 of act establishing said school	35

INFORMATIONS—

23	by district attorney in criminal court	160
23	to be verified by district attorney	160
24	recorded by clerk; capias to issue	161
25	form of	161
25	names of witnesses to be endorsed; <i>provided</i>	161
25	against whom not to be presented	162

INJUNCTIONS—

11	when to be granted upon petition of inspector of coal mines	108
----	---	-----

INSANE ASYLUM—

1	appropriation for buildings, furniture, etc	33
2	expenditure to be under control of superintendent and commissioners	33
3	before erecting new buildings, superintendent to procure plans, etc	33

INDEX.

335

SEC.

PAGE.

INSANE PAUPERS—

1	appropriation to reimburse counties for support of	80
---	--	----

INSPECTOR OF COAL MINES—

1	appropriation for salary of	25
1	owner or agent to deposit copy of plans with	102
1	may cause new plans to be made; when and how costs paid . .	102
4	furnish mining boss with blanks to show ventilation	105
4	mining boss to report to	105
7	condition of boiler to be certified to	106
8	when an explosion or accident occurs to ascertain the cause . .	107
11	may enjoin owner if he fails to comply with this act	108
13	to inspect upon application mines employing not more than twelve men	109
14	examine into qualifications of candidates; how appointed . . .	109
14	qualifications; governor to appoint	110
14	vacancies; how filled	110
14	salary; keep office at the capitol	111
14	authorize to procure instruments; tests and stationery	111
15	bond in sum of \$5,000	111
16	no one interested as manager or agent or in operating to act as inspector	111
17	to give his whole time; duties	111

INTEREST—

4	on capitol building bonds not to exceed 6 per cent	41
4	coupons of said bonds, where payable	41
6	special tax to be levied known as "interest fund"	42
7	first years' interest to be paid from capitol building fund . . .	43
30	on assessment for ditches, when to be added	177
1	to be paid on state warrants	249

INSURANCE DEPARTMENT—

1	creates the department	212
2	Auditor of state chief officer; deputy and his qualifications . .	212
3	oath and bond of deputy	212
4	duties and powers of deputy same as superintendent	213
5	salary of deputy	213
6	seal; filed with secretary of state; evidence	213
7	officers; may employ persons to make examinations	213
8	records to be public; officers to transfer papers to superintend- ent	213
9	superintendent to keep full records; reports; furnish blanks to companies, etc	214
10	powers of	215
10	no person to testify falsely; penalty	215
10	making false certificates; penalty	216
10	companies examined to pay the fees	216
10	fees not to exceed ten dollars per day, etc	216
11	superintendent to publish results of examinations, revoke license, etc	217

SEC.

PAGE

INSURANCE DEPARTMENT—CONTINUED.

12	fees of companies doing business in this state	217
12	failure to pay fees revokes license; taxation	218
18	moneys received by superintendent to be paid into treasury	218
13	insurance fund, expenses limited; vouchers; accounts audited	218
14	excess of insurance fund transferred to school fund	218
1	companies not to adopt similar names	219
2	not to do business until licensed	219
3	to procure certificate; copies; attorney for process; copies of process forwarded	219
4	to file certified copy of charter	220
5	detailed statement; when to file; publication	220
6	necessary amount paid up capital	221
7	investments by, in bonds, mortgages, etc	221
8	no dividends except from surplus profits	221
9	life; conditions under which may do business	222
1	companies may organize for what purposes; <i>proviso</i>	222
2	articles of incorporation	223
3	capital stock	223
4	policies and contracts do not require seal	224
5	ninety days allowed companies in which to comply with this act	224
6	certain existing companies exempt	224
7	mutual insurance not prohibited	224
8	repeal; <i>proviso</i>	225

INTERVENTION—

(SEE CODE AND LIENS.)

J

JEFFERSON COUNTY—

(SEE COUNTIES.)

JUDGES OF ELECTION—

2	each to keep a key to ballot box	183
3	hours of opening and closing polls	183
4	counting the vote	184
5	certificate, how delivered; penalty for refusing; informality; ballot box	185
6	ballots to remain in box; when burned; duties after counting	186
2	primary elections; resolution calling to name the judges	188
6	duties; clerks	189
7	may administer oaths	189
9	certificate of result	190
10	keep copy of certificates and lists for twenty days	190
14	penalty for wilful neglect of duty	191

INDEX.

337

SEC.

PAGE.

JUDGES OF COUNTY COURTS—

(SEE COUNTY JUDGE.)

JUDGES OF CRIMINAL COURTS—

6	qualifications and compensation	155
6	appointment and removal of; oath	155
6	no other compensation, and not to act as attorney	155
7	vacancies; how filled	155
8	conservator of the peace; may administer oaths and grant writs of <i>habeas corpus</i>	156

JUDGES OF DISTRICT COURTS—

(SEE DISTRICT JUDGES.)

JUDGE OF SUPERIOR COURT—

5	qualifications and powers; appointed by the governor	282
6	election of; term; salary	282
7	failure to qualify; vacancies; removal	283
8	oath of office	283
9	appoint a clerk; salary	283
10	canvass of votes for; certificate	283

JUDGES OF SUPREME COURT—

1	salary	192
---	------------------	-----

JUDGMENTS—

25	how rendered in cases of liens	233
16	in superior court a lien upon real-estate	234

JUDICIAL DISTRICTS—

12	Delta county attached to Guanison	125
7	terms of court in Delta county	123
6	Eagle part of fifth	123
5	terms of court in Eagle	123
13	Garfield part of fifth; terms of court	132
11	Mesa part of seventh	135
13	Montrose part of seventh	133
5	Uncompahgre part of seventh	140
1	what counties constitute the fourth	164
1	terms of court in said counties	164
2	what counties constitute the sixth	164
2	terms of court in said counties	164
3	what counties constitute the seventh	165
3	terms of court in said counties	165
4	cases pending	165

SEC.

PAGE.

JUDICIAL DISTRICTS—CONTINUED.

5	repeal of acts inconsistent with this	165
1	what counties constitute the sixth	166
1	terms of court in said counties	166
2	repeal of acts inconsistent with this	167
1	what counties constitute the third	167
1	terms of court in said counties	167

JURIES—

2	in civil actions how drawn; number	114
22	in criminal court how drawn	160
23	no grand jury in criminal court	160
16	empaneled to assess damages and benefits on account drain or ditch	173
17	examine the land; assessment roll	173
18	award and assess each tract separately	173
19	may deduct for work already done by the owner	174
20	correct assessments; notice; objections	174
21	hear objections; correct and adjust	174
22	justice of the peace to preside; absent jurors	176
23	foreman to certify assessment to commissioners	176
2	to try persons charged with violation of game law	200
18	to determine damages caused by opening roads	266
15	how provided in superior courts	266

JUSTICES OF THE PEACE—

2	precincts determined by county commissioners	121
17	in criminal cases appeals to criminal court	158
16	to preside over jury to assess damages, etc., on account drains or ditches	173
22	to preside at hearing; attach or empanel, etc.	175
44	jurisdiction of in construction of ditches; appeals	180
45	to direct county commissioners to act as commissioners to construct	180
1	not to refuse to execute process	192
1	jury before of persons charged with violation of game law	199
2	to appoint special constables	200
1	to require herding stock in certain counties	209
4	to appoint appraisers of personal property in cases of liens	238
5	appraisers sworn by	238
9	account of sale to be filed with	239
12	fees of	239
17	appeals to superior court	236

L

LAKE COUNTY—

(SEE COUNTIES.)

INDEX.

339

SEC.		PAGE
LANDS—		
1	appropriation to purchase block for capitol grounds	38
3	board of capitol building managers to sell lands belonging to the state	39
LAND COMMISSIONERS—		
(SEE BOARD OF LAND COMMISSIONERS.)		
LA PLATA COUNTY—		
(SEE COUNTIES.)		
LAS ANIMAS COUNTY—		
(SEE COUNTIES.)		
LAWS—		
1	appropriation for copying, translating and indexing	27
(SEE GENERAL STATUTES.)		
LAWS AMENDED—		
(SEE ACTS AMENDED.)		
LAWS REPEALED—		
(SEE ACTS REPEALED.)		
LAWS REVISED—		
(SEE ACTS REVISED.)		
LIBRARY OF SUPREME COURT—		
(SEE SUPREME COURT LIBRARY.)		
LIBRARIAN—STATE—		
1	may employ an assistant; salary	263
LIEUTENANT-GOVERNOR -		
1	salary	192

SEC.

PAGE.

LIENS—

26	drain or ditch assessment on lands	176
28	notice of to be recorded	176
37	money borrowed by commissioners lien upon assessments	179
1	mechanics and others doing work or furnishing materials	226
2-3	sub-contractors in first and second degree	226
4	kinds of property; claimant must comply	226
5	this act applies to repairs, etc	226
6	applies to railroads, tr.mways, canals, ditches, etc.	227
7	working upon mines, tunnels, etc.	227
8	surveyors, civil and mining engineers to have	227
9	applies to water rights and rights of way	228
10	claimants to file notice; substance of	228
11	contractor within sixty, sub-contractor within forty days	228
12	sub-contractors intending to do work may file notice county clerk to file notices in separate books	228
13	statement addressed to "whom it may concern;" incorrect statements	229
14	owner to withhold money from contractor, when	230
15	set off; lien not to exceed indebtedness to contractor attaches when under two or more contracts	230
16	to what property to attach	231
17	relates back to commencement of work, etc. <i>proviso</i> rank of each	231
18	action to enforce to commence within six months	232
19	consolidation; who to defend; pleadings; intervention, etc	232
20	complaint what to allege	233
21	amend or file new pleadings	233
22	court may refer; judgments, how rendered	233
23	sale; redemption; apportionment of proceeds, transcript to be filed with county clerk	234
24	costs, how divided	234
25	claimants may assign; consideration; when may assign; consolidation of claims	235
26	payments to avoid, invalid; filing larger amount than due; forfeits	235
27	record of satisfaction; penalty for failure; tender; failure to cancel notice of intent; penalty	235
28	other remedies	236
29	repeal; <i>proviso</i>	236
30	ranchmen, liverymen, hotel keepers, etc., to have common carriers and warehousemen to have	237
31	mechanics and others upon personal property	237
32	not paid in thirty days, appraisers to be appointed	238
1	oath and return of appraisers	238
2	sale; disposition of proceeds	238
3	persons holding lien may purchase	239
4	continuance of sale; account filed with justice	239
5	right of action after sale not taken away	239
6	at sale lienor may employ clerk and crier	239
7	fees of justices, appraisers, clerks and criers	239

SEC.

PAGE.

LIENS—CONTINUED.

13	not to affect existing liens	239
16	judgments of superior court upon real estate	235
3	owners of toll roads for animals, etc., passing over	237

LUNATICS—

(SEE INSANE PAUPERS.)

M

MANSLAUGHTER—

(SEE CRIMINAL CODE.)

MARRIAGES—

1	what declared incestuous and void; miscegenation; <i>proviso</i> . .	243
---	--	-----

MARRIED WOMEN—

3	not to be compelled to testify against their husbands	290
---	---	-----

MARSHAL—

1	of cities of the second class, when elected; term, duties and compensation	51
1	not to refuse to execute process	192
1	may require fees in advance	193

MASONIC INSURANCE—

6	not prohibited	224
---	--------------------------	-----

MATERIALS—

	liens upon by persons furnishing (see liens)	225-236
--	--	---------

MAYOR—

1	of cities of second class when elected; term	51
1	preside over council and vote when a tie	51
1	nominate officers; remit fines; compensation	51

(SEE CITY OF DENVER.)

SEC.

PAGE.

MECHANICS—

	acts to secure liens upon real estate to for work done; (see liens)	225-236
3	liens for work on personal property	237

MESA COUNTY—

(SEE COUNTIES.)

MILITIA—

1	adjutant to complete muster rolls	240
2	appropriation of \$1,000	240
1	governor commander-in-chief to appoint officers	241
2	brigadier-general; how elected; term; staff	241
3	organization to be called Colorado National Guards; duties . .	242
4	brigades; how divided; command; staff	242
5	military board	242
6	repeal	243

MINES—

7	subject to liens	227
7	two or more worked through one shaft deemed one mine for purpose of lien	227

(SEE SCHOOL OF MINES.)

MISDEMEANORS—

10	Miners or others in coal mines, injuring lamps, shafts, etc., to endanger	108
18	any person refusing to comply with act regulating coal mines .	112
3	throwing stones, etc., at a train or engine	152
8	fraudulent voting at primary elections	189
12	bribing, threatening, etc., voters at primary elections	190
14	judge or clerk of primary election for wilful neglect of duties .	191
1	officers refusing to execute process	192
4	violating sections 1, 2 and 3 of act in regard to fire escapes . .	196
5	watchman leaving building; sleeping or failing to notify of fire	196
7	constructing building of certain size with less than two pairs of stairs	197
1	killing game at certain times; exposing for sale; wantonly kill- ing	199
10	false swearing before superintendent of insurance	215
11	false certificates of officers of insurance companies	216
2	doing insurance business without a license	219

MONTROSE COUNTY—

(SEE COUNTIES.)

INDEX.

343

SEC.

PAGE.

MUNICIPAL CORPORATIONS—

(SEE CITIES AND TOWNS AND CITY OF DENVER.)

MURDER—

(SEE CRIMINAL CODE.)

MUTE AND BLIND INSTITUTE—

1	appropriation for completing buildings, improving grounds etc.	28
---	--	----

MUTUAL INSURANCE—

6	not prohibited	224
---	--------------------------	-----

N

NATIONAL MINING EXPOSITION---

1	legalizing appropriations made by counties for	244
2	counties may hereafter appropriate for	244

NOTICES—

2	of elections for capitol building bonds	40
2	of petition for right-of-way for ditch	169
13	of application for confirmation of report of commissioners	172
20	of time and place jury will set for correction, etc.	174
28	of lien upon lands for drainage	176
3	of primary election	188
3	to be posted by landlords	195
	of mechanic's lien (see liens)	225-236
1	of sale of lands for taxes	249
7	of time viewers will meet	253
15	of time of opening roads	255
28	overseer of roads to give of road tax	259

O

ODD FELLOWS—

6	insurance by not prohibited	224
---	---------------------------------------	-----

OFFICIAL BONDS—

1	of clerk district court, judge to examine into; copy to be filed	245
---	--	-----

SEC.		PAGE.
OVERSEER OF ROADS—		
22	county clerk to give notice of changes to	257
25	election of; term and bond	258
27	road tax to be paid to	259
29	duties of	259
30	to serve notice upon delinquents	260
32	fee for service of notice	260
33	to report delinquents	260
34	to render account to county commissioners	261
35	compensation	261

OURAY COUNTY—

(SEE COUNTIES.)

P

PARK COUNTY—

(SEE COUNTIES.)

PAUPERS—

(SEE INSANE PAUPERS.)

PENITENTIARY—

1	appropriation for support of for 1883 and 1884 including salaries.	25
2	appropriations to complete west-cell building; to pay the Colorado coal company; to purchase lands, erect gates, etc . .	25
3	the above the entire appropriation	26
1	convicts not to labor off of the ground except to complete existing contracts	246

PERJURY—

(SEE CRIMES AND MISDEMEANORS.)

PETITIONS—

1	to cross lands of others with ditch	169
2	notices of, what to state and where posted	169
3	county court to hear and determine	170
5	hearing of; who may contest; determination	170
44	filed with justice of the peace when	180
4	of freeholders to counties to change roads	252
15	for school bonds	273

SEC.

PAGE.

PITKIN COUNTY—

(SEE COUNTIES.)

PHYSICIANS AND SURGEONS—

1	authorizing dissection by in certain cases	162
1	mayor or officer to surrender bodies of persons dying in almshouse, prison, etc.. to	163
2	not to be so surrendered, when	163
3	to use such bodies only for advancement of science	163
3	to use such bodies only in this state	163
4	may have bodies in their possession	163
3	not to be compelled to testify, when	230

PLEADINGS—

22, 23	to enforce mechanics' liens (see Liens)	232-233
--------	---	---------

POLICE COURT—

(SEE CITY OF DENVER.)

PRECINCTS—

1	county commissioners to organize new	121
1	divide county into justice's; <i>proviso</i>	121
1	one voting for every 500 voters,	182
1	to change upon petition	182
2	not to change within thirty days of election	182

PRIMARY ELECTIONS—

1	committee may elect to hold under provisions of this act.	187
2	resolution calling primaries to declare time and place of holding	188
2	object of the election	188
2	names of the judges	188
2	that election will be held under this law	188
2	time and manner of publication of notice of	188
2	qualifications of voters	188
3	notice of election, how signed; when to be given	188
4	qualifications of voters	188
5	to be held according to election laws	189
6	duties of judges	189
7	challenges; judges may administer oath	189
8	penalty for fraudulent voting	189
9	judges' certificate of the vote, lists and ballots, to whom delivered	190
10	judges to keep copy of certificate	190
11	committee calling election to issue certificates	190
12	penalty for bribery, threats, influencing voters, etc.	190
13	penalty for swearing falsely or subornation	191
14	penalty for wilful neglect of duty of clerks or judges	191

SEC.		PAGE.
PRIZE FIGHTS—		
1	challenging, accepting, training, etc.; penalty	246
2	leaving state, etc., to fight; penalty	247
PROCESS—		
13	how served on insurance companies	218
PUBLIC HIGHWAYS—		
(SEE ROADS AND HIGHWAYS.)		
PUBLIC OFFICERS—		
3	when not to be compelled to testify	291
PUEBLO COUNTY—		
(SEE COUNTIES.)		

R

RAILROAD AID BONDS—		
1	counties may issue new bonds to refund	142
2	new bonds, sale and how proceeds to be applied	143
3	not to exceed principal of old	143
4	county commissioners to submit to electors	143
5	description of new bonds, how executed, etc.	144
6	form, payment of interest, etc.	144
7	redemption of matured bonds	145
RAILROADS—		
1	may carry on express business; agency at every station	116
2	may transfer said business; conditions of contract	117
3	express rates not to exceed double freight	117
1	certain roads may consolidate; may not	118
2	conditions, provisions and restrictions under which they may consolidate	118
3	after consolidation to be deemed one company	119
4	property of each to be property of consolidation	120
5	offices where established; notice of change	120
6	consolidation with foreign not to make foreign corporation	121
7	property in this state subject to taxation	121
1	obstructing; penalty	152
2	attempting to obstruct; penalty	152

INDEX.

347

SEC.

PAGE.

RAILROADS—CONTINUEP.

3	throwing stones at trains; penalty	152
1	manner of construction of fire guards	198
6	subject to liens for work and materials (see liens)	227

RECEPTION OF GRAND ARMY—

(SEE GRAND ARMY.)

RECOGNIZANCES—

18	before justices returnable to criminal court	159
19	forfeiture of to be certified to district court	159
19	district court to determine	195

RECORDER—

(SEE COUNTY CLERK.)

REDEMPTION—

26	of land sold to satisfy liens	294
1	of city warrants	52

REFUNDING BONDS—

(SEE RAILROAD AID BONDS.)

REGISTERS AND RECEIVERS—

1	appropriation for fees of	32
---	-------------------------------------	----

RELIEF ACTS—

1	of J. R. Treadway or his assignee	291
1	of Lina Wischbart or her assignee	292

REPEAL—

(SEE ACTS REPEALED.)

REPORTER SUPREME COURT—

1	salary	286
2	to prepare opinions for printer	286

SEC.

PAGE.

REPORTS—

11	board of managers of capitol building to general assembly . .	50
12	superintendent capitol building to governor	50
	SEE CITY OF DENVER.)	
10-11	of commissioners to construct ditches	171
15	may be referred back to commissioners for amendment	172
14	filed with clerk of court	172
16	when confirmed jury empaneled	173
4	commissioners grand army reception, to governor	208
9	superintendent of insurance to governor	214
38	of road overseer to county commissioners	260

REVENUE—

1	tax for agricultural college fund	17
1	tax for capitol building bond sinking fund	42
1	tax to pay interest on county bonds	144
1	auditor to transmit statement of change; rate of tax for 1883 and 1884	247
1	notice of sale of lands for taxes	249
1	treasurer authorized to pay interest on state warrants	249
2	world's fair commission fund transferred to general fund . . .	250
1	tax for university fund	252

REVISION OF LAWS—

(SEE GENERAL STATUTES.)

RIO GRANDE COUNTY—

(SEE COUNTIES.)

ROADS AND HIGHWAYS—

1	what roads declared public highways	251
2	public to be kept in repair by counties	251
3	viewers; appointment; report; road in two counties	251
4	county may alter, widen or change upon petition	252
5	petitioner to deposit money for expenses of viewing	252
6	when road is on county line petition to both counties	252
7	commissioners to appoint after petition three viewers	252
8	county clerk to direct warrant to viewers commanding, etc. . .	253
9	sheriff to serve said warrant	253
10	duties of viewers; assess damages and benefits	253
11, 12	viewers to fill vacancies; report compensation	254
13	county commissioners to hear objections and determine	255
14	when road opened report; plat, etc., to be filed	255
15	damages how paid; notices; not to open through fields of grow- ing crops	255
17	appeals from viewers estimates	256
18	when jury may determine damages	256
19	width of highways to be sixty feet	256

SEC.

PAGE.

ROADS AND HIGHWAYS—CONTINUED.

20	when all the owners petition	256
21	private road to public; right of way	257
22	county clerk to give notice to overseer; fees	257
23	crossing streams	257
24	bridges; advertisement for bids	258
25	commissioners divide counties into districts: overseer, election term and bond	258
26	road tax on property	259
27	road tax on persons	259
28	duties of overseers; notice	259
29	failure to pay road tax; penalty	259
30	proceedings to recover tax, notice, etc.	260
31	service of notice same effect as garnishee process	260
32	costs of notice; fees of overseers	260
33	overseer to report delinquents to county treasurer	260
34	to render account to commissioners at October meeting compensation of	261
35	no person to obstruct	261
36	no person to dam stream to cause overflow	261
37	to keep road open; ditches; penalties for violation of this act	262
38	penalties, fines and forfeitures how recovered	262
39	penalties, fines and forfeitures how recovered	262
40	repeal	262

ROUTT COUNTY—

(SEE COUNTIES.)

S

SAGUACHE COUNTY—

(SEE COUNTIES.)

SALARIES—

14	of inspector of coal mines	110
6	of judge of criminal court	155
9	of stenographer of criminal court	156
1	of members of executive department	191
1	of judges of supreme court	192
1	of judges of district courts	192
1	of district attorneys	192
5	of deputy superintendent of insurance	213
1	of assistant school librarian	263
1	of clerk or deputy of state treasurer	277
2	of clerk or deputy of state auditor	278
6	of judge of superior court	282
9	of clerk of superior court	283
12	of deputy clerk superior court	285
	of city officers (see cities and towns and city of Denver)	51-101

SEC.

PAGE.

SAN JUAN COUNTY—

(SEE COUNTIES.)

SAN MIGUEL COUNTY—

(SEE COUNTIES.)

SCHOOLS—

1	authorizes school districts to hold real estate	263
1	assistant librarian; salary	263
2	grades of certificates of teachers; renewals; records; appeal . .	264
3	county superintendent to visit schools, examine accounts and report to county commissioners	265
4	salary of superintendent; bills to be verified; county to provide books, etc.; qualifications of superintendent	265
5	county treasurer to keep separate account; not to pay over money in certain cases	266
6	new district to receive just share of funds; division	266
7	directors; districts classified; election	267
8	duties and powers of directors	268
9	superintendent to locate each school by district; blind and deaf- mute persons; report	270
10	licenses of teachers	270
11	teachers to make reports and keep registry	271
12	what branches shall be taught	271
13	teachers institute	272
14	appeals from county superintendent to state board	272
15	bonds submitted to electors upon petition	273

SCHOOL OF MINES—

1	appropriation for completing and furnishing building	29
2	when auditor to draw warrant	29
1	president of the board to report to the governor	275
2	warrants, how and when to be drawn	275
3	bond of treasurer; not to pay out any money except upon order of president, etc	275
4	president may collect fees for assays; disposition of the pro- ceeds	276

SECRETARY OF STATE—

1	to furnish blanks for agricultural statistics	18.
4	to cause to be printed for distribution said statistics	20
2	to deliver notices to county clerks of election for capitol build- ing bonds	40
4	to be a member of the board of commissioners of state debt . .	41
1	salary of; payment of clerks	192
1	general statutes; to employ assistants, certificate	202
4	how to dispose of copies	203
6	keep 200 copies for new counties	204

INDEX.

351

SEC.

PAGE.

SECRETARY OF STATE—CONTINUED.

7	remainder sold; proceeds	204
8	deliver to successor	204
9	to approve claims	204
10	to direct the binding	205
11	furnish copies; cause comparison with enrolled bills	205
4	bureau of horticulture to report to	210
5	cause said report to be published; disposition of copies	210
6	superintendent of insurance to file seal with	213
1	to approve bond of treasurer	278
1	to cause all acts relating to stock to be compiled and printed	279
2	compilations to be completed within thirty days	289
3	expense; how paid	280
2	to designate printer of supreme court decisions	286

SENATORIAL DISTRICT—

3	Dolores part of twenty-first	123
12	Delta part of thirteenth	125
6	Eagle part of twelfth	128
12	Garfield part of twelfth	132
11	Mesa part of thirteenth	135
12	Montrose part of thirteenth	138
6	Uncompahgre part of twenty-first	140

SHERIFFS—

15	duties, liabilities and compensation in criminal court	157
1	not to refuse to execute process; may demand fees in advance	192
9	to serve warrants in certain cases	253
14	to attend, execute process, etc., fees in superior court	284

STATE AGRICULTURAL COLLEGE—

(SEE AGRICULTURAL COLLEGE.)

STATE AUDITOR—

(SEE AUDITOR OF STATE.)

STATE BOARD OF AGRICULTURE—

3	to immediately decide upon plans for buildings for agricultural college	18
4	president to sign certificates of indebtedness	18
4	secretary of state to furnish statistics for distribution	20

STATE BOARD OF LAND COMMISSIONERS—

(SEE BOARD OF LAND COMMISSIONERS.)

SEC.

PAGE.

STATE BONDS—

(SEE CAPITOL BUILDING BONDS.)

STATE CAPITOL—

(SEE CAPITOL BUILDING.)

STATE CAPITOL BONDS—

(SEE CAPITOL BUILDING BONDS.)

STATE CAPITOL GROUNDS—

(SEE CAPITOL BUILDING GROUNDS.)

STATE CERTIFICATES OF INDEBTEDNESS—

(SEE CERTIFICATES OF INDEBTEDNESS.)

STATE ENGINEER—

1 authorized to employ assistants 277

STATE FISH COMMISSIONER—

(SEE FISH COMMISSIONER.)

STATE HISTORICAL SOCIETY—

(SEE HISTORICAL AND NATURAL HISTORY SOCIETY.)

STATE HORTICULTURAL SOCIETY—

(SEE HORTICULTURE.)

STATE INDUSTRIAL SCHOOL—

(SEE INDUSTRIAL SCHOOL.)

STATE INSANE ASYLUM—

(SEE INSANE ASYLUM.)

STATE LANDS—

(SEE LANDS.)

SEC.		PAGE.
STATE LIBRARY—		
1	appropriation for preparing rooms, shelving and cataloguing .	23
2	appropriation for adding books	24
3	said funds to be used exclusively for purposes named	24
3	auditor to draw warrant when	24
STATE LIBRARIAN—		
1	may employ assistant; salary	263
STATE MUTE AND BLIND INSTITUTE—		
(SEE MUTE AND BLIND INSTITUTE.)		
STATE OFFICERS—		
(SEE GOVERNOR, LIEUTENANT-GOVERNOR, SECRETARY OF STATE, TREASURER OF STATE, AUDITOR, SUPERINTENDENT OF PUBLIC INSTRUCTION AND ATTORNEY-GENERAL.)		
STATE PENITENTIARY—		
(SEE PENITENTIARY.)		
STATE TREASURER—		
(SEE TREASURER OF STATE.)		
STATE UNIVERSITY—		
(SEE UNIVERSITY.)		
STATE WARRANTS—		
1	treasurer to pay interest on	249
STATIONS—		
1	railroads and express companies to have express agency at all .	116
STATISTICS—		
(SEE AGRICULTURAL STATISTICS.)		
STATUTES—		
(SEE GENERAL STATUTES.)		

SEC.		PAGE
STENOGRAPHIC REPORTERS—		
1	county court may appoint, when	146
3	compensation determined by county commissioners	146
9	in criminal courts; appointment; compensation	156
STOCK—		
1	to be herded in certain counties from May 1st to October 30th	209
1	insurance	222
1	running at large of certain animals prohibited	279
1	act relating to, to be printed	280
SUB-CONTRACTORS—		
	to have a lien for work and materials (see liens)	235-236
SUMMIT COUNTY—		
	(SEE COUNTIES.)	
SUPERINTENDENT OF CONSTRUCTION—		
	(SEE CAPITOL BUILDING.)	
SUPERINTENDENT OF INSURANCE—		
	(SEE INSURANCE DEPARTMENT.)	
SUPERINTENDENT OF PUBLIC INSTRUCTION—		
1	salary	192
13	to call teachers' institute, when	272
SUPERINTENDENT OF SCHOOLS—COUNTY—		
2	may renew certificates; appeals from	264
3	visit schools, examine accounts and report to county commissioners	265
4	salary; mileage; to itemize bills; blank books; qualifications	265
9	locate schools by districts; blind and deaf-mutes; report	270
13	authorized to draw money for teachers' institute	272
14	appeals from	272

SEC.

PAGE.

SUPERIOR COURTS—

1	creating said court; powers, jurisdiction and practice	281
2	terms of court	281
3	defining the jurisdiction and practice	282
4	power to prescribe rules, etc	282
5	judge; qualifications and powers; governor to appoint	282
6	election of judge; term; compensation	282
7	failure of judge to qualify; vacancies; removal	283
8	oath of judge	283
9	clerk; salary; fees paid to city; statement under oath	283
10	canvassing votes for judge; certificate	283
11	clerk; oath, bond, powers and liabilities; deputy and his salary .	284
12	city council, provide books, place for holding court and seal . .	284
13	changes of venue to and from district court	284
14	sheriff to attend, execute process, etc; fees	284
15	how jury to be provided	285
16	judgments a lien on real estate	285
17	appeals to from justices and police judges	285
18	appeals and writs of error to be allowed direct to the supreme court	285
19	in appeals, etc., powers, practice and pleadings in supreme court	285

SUPREME COURT—

5	writs of error from criminal court	155
21	salary of judges	192
19	writs of error and appeals from superior court	285
19	powers practice and pleadings in appeal from superior court . .	285
1-2	reporter; salary; prepare decisions for printer	286

SUPREME COURT LIBRARY—

1	appropriation for	28
2	to be expended as judges direct	28
3	warrants to be drawn upon certificates of chief justice	28

SUPREME COURT JUDGES—

(SEE JUDGES OF SUPREME COURT.)

SURGEONS—

(SEE PHYSICIANS AND SURGEONS.)

SURVEYORS—

to have a lien for work (see liens.) 225-226

T

TAXES—

1	one-fifth of one mill on assessed value for support of agricultural college	17
1	to be collected as provided by law for collection of state taxes	17
7	consolidated railroads; all property in state subject to . . .	121
12	of insurance companies	218
1	rate of for 1883 and 1884	247
26-29	road tax, how levied; failure to pay; penalty	269
1	for "university fund"	288

TEACHERS—

(SEE SCHOOLS.)

TOLL ROADS—

1	maximum grade, minimum width and turn outs	286
2	county surveyor to examine and report to commissioners; rates .	287
3	owners to have a lien on animals, etc., for passing over	287
4	owners or collectors to act as constables, provided	287
5	unlawful collection of tolls; penalty, how recovered	287

TOWNS—

(SEE CITIES AND TOWNS.)

TREADWAY, J. R.

1	act for relief of	291
---	-----------------------------	-----

TREASURER OF STATE—

4	to be a member of the board of commissioners of the State debt	41
9	to credit moneys received from bonds to capitol building fund .	43
1	salary of	192
13	insurance fund	218
14	excess of insurance fund to transfer to school fund	218
1	to pay interest on State warrants	249
2	transfer world's fair fund to general	260
2	deputy and his salary	278
1	oath of office and bond	278

TURN OUTS—

1	toll roads to provide at not over one-fourth of mile apart . . .	286
---	--	-----

SEC.

PAGE.

U

UNITED STATES—

1	ceding jurisdiction over certain lots to	205
2	governor to execute deed of jurisdiction to	206
3	said lots exempt from taxation	206

UNIVERSITY OF COLORADO—

1	one-fifth of one mill to be levied for support of	288
2	purposes for which proceeds to be used	288
3	county treasurers to keep separate account	289

V

VENUE—

20	changes of from criminal to district courts	159
13	changes of to and from superior and district courts.	284

VIEWERS—

	of roads (see roads and highways)	251-262
--	---	---------

W

WARRANTS—

1	of cities; duty of treasurer to return	52
1	notices of redemption	53
1	of state, treasurer to pay interest on	249

WATCHMEN—

(SEE FIRE ESCAPES.)

WELD COUNTY—

(SEE COUNTIES.)

WIDTH OF TOLL ROADS—

1	to be at least sixty feet	286
---	-------------------------------------	-----

SEC.

PAGE.

WILD GAME---

(SEE GAME.)

WITNESSES—

25	names of to be endorsed on informations; provided	161
1	who may testify	289
2	who not to testify	290
8	who not to testify without consent	291
5	repeals sections 1, 5 and 6 of chapter civ of general laws	291

WISEBART LINA—

1	act for relief of	292
---	-----------------------------	-----

WORLD'S FAIR COMMISSION—

1	repeal of act to provide a fund for	290
---	---	-----

WRITS OF HABEAS CORPUS—

8	judge of criminal court may grant	158
---	---	-----

WRITS OF ERROR—

15	allowed by supreme court direct to criminal court	155
26	from judgment of county court in matters relating to drainage .	176
17	allowed by supreme court direct to superior court	285

ERRATUM.

On page 164 for "Tremont" read "Fremont."

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